

1.0 Introduction

The Ballarat Foundation is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse.

Everyone working (including staff, contractors and volunteers) at the Ballarat Foundation is responsible for the care and protection of children and reporting information about child abuse.

2.0 PURPOSE

- a) To facilitate the prevention of child abuse occurring within the Ballarat Foundation by providing clear statements, actions and procedures for staff, adult volunteers or contractors that support this.
- b) To adopt an organisational culture of child safety that is culturally safe where diverse and unique identities and experiences of all young people are valued.
- c) To prevent child abuse within the Ballarat Foundation by ensuring child wellbeing is embedded in organisational leadership, governance and culture.
- d) To ensure that young people associated with the organisation's activities are taken seriously, empowered about their rights and participate in decisions that affect them.
- e) To ensure equity is upheld and diverse needs are respected in policy and practice.
- f) That all those working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- g) To ensure that all parties are aware of their responsibilities for promoting child safety and identifying possible occasions where child abuse could occur and for establishing controls and procedures for preventing such abuse and/or detecting such abuse should it occur.
- h) That staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe throughout education and training.
- i) To ensure that physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- j) All processes for complaints and concerns are child-focused. We will provide guidance to staff/volunteers/contractors as to action that should be taken where they suspect any abuse within or outside of the organisation. To provide assurance that any and all suspected abuse will be reported and fully investigated.
- k) To ensure that the implementation of the child safe standards is regularly reviewed and improved.
- l) Policies and procedures document how the organisation is safe for children and young people.

3.0 Policy Statement

The Ballarat Foundation is committed to promoting and protecting the best interests of children and young people involved in its programs.

All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from abuse.

The Ballarat Foundation has zero tolerance for child abuse. Everyone working at the Ballarat Foundation is responsible for the care and protection of the children within our care and reporting information about suspected child abuse.

Child protection is a shared responsibility between the Ballarat Foundation, all employees, workers, contractors, associates, and members of the Ballarat Foundation community.

The Ballarat Foundation supports and respects all children, staff and volunteers. The Ballarat Foundation is committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.

If any person believes a child is in immediate risk of abuse, telephone 000.

4.0 RESPONSIBILITIES

The Board has ultimate responsibility for the detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place. The Board is also responsible for ensuring that appropriate policies and procedures and a Childsafe Code of Conduct are in place.

The CEO of the Ballarat Foundation is responsible for:

- a) Dealing with and investigating reports of child abuse;
- b) Ensuring that all staff, contractors, and volunteers are aware of relevant laws, organisational policies and procedures, and the organisation's Child Safe Code of Conduct;
- c) Ensuring that all adults within the Ballarat Foundation community are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures;
- d) Ensuring that all staff, contractors and volunteers are aware of their obligation to observe the Code of Conduct (particularly as it relates to child safety);
- e) Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.

All managers must ensure that they:

- a) Promote child safety at all times;
- b) Assess the risk of child abuse within their area of control and eradicate or minimise any risk to the extent possible;
- c) Educate staff, contractors and volunteers about the prevention and detection of child abuse; and
- d) Facilitate the reporting of any inappropriate behaviour or suspected abusive activities.

Management should be familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct.

All staff, contractors and volunteers share the responsibility for the prevention and detection of child abuse, and must:

- a) Familiarise themselves with the relevant laws, the Code of Conduct, and the Ballarat Foundation's policy and procedures in relation to child protection, and comply with all requirements;

- b) Report any reasonable belief that a child's safety is at risk to the relevant authorities (such as the police and/or the state-based child protection service) and fulfil their obligations as mandatory reporters;
- c) Report any suspicion that a child's safety may be at risk to their supervisor (or, if their supervisor is involved in the suspicion, to a responsible person in the organisation); and
- d) Provide an environment that is supportive of all children's emotional and physical safety and wellbeing.

4.0 Employment of new personnel

The Ballarat Foundation undertakes a comprehensive recruitment and screening process for all workers and volunteers that aims to:

- promote and protect the safety of all children under the care of the organisation;
- identify the safest and most suitable people who share the Ballarat Foundation's values and commitment to protect children; and
- prevent a person from working at the Ballarat Foundation if they pose a risk to children.

The Ballarat Foundation requires all workers/volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with the Ballarat Foundation.

The Ballarat Foundation will require applicants to satisfactorily undertake a police check in accordance with the law and as appropriate, before they commence working at the Ballarat Foundation and during their time with the Ballarat Foundation at 3 yearly intervals as stipulated by government contracts and funding agreements.

The Ballarat Foundation will undertake thorough reference checks as per the approved internal recruitment procedure.

Once engaged, workers/volunteers must review and acknowledge their understanding of this Policy.

5.0 Risk Management

The Ballarat Foundation will ensure that child safety is a part of its overall risk management approach and at a minimum will ensure:

Child Safe Standard 1

- A child's ability to express their culture and enjoy their cultural rights is encouraged and actively supported.
- Strategies are embedded within the organisation which equip all members to acknowledge and appreciate the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal children and young people.
- Measures are adopted by the organisation to ensure racism within the organisation is identified, confronted and not tolerated. Any instances of racism are addressed with appropriate consequences.
- The organisation actively supports and facilitates participation and inclusion within it by Aboriginal children, young people and their families.
- All of the organisation's policies, procedures, systems and processes together create a culturally safe and inclusive environment and meet the needs of Aboriginal children, young people and their families.

Child Safe Standard 2

- The organisation makes a public commitment to child safety.
- A child safe culture is championed and modelled at all levels of the organisation from the top down and bottom up.
- Governance arrangements facilitate implementation of the child safety and wellbeing policy at all levels.
- Code of Conduct provides guidelines for staff and volunteers on expected behavioural standards and responsibilities.
- Risk management strategies focus on preventing, identifying and mitigating risks to children and young people.
- Staff and volunteers understand their obligations on information sharing and record keeping.

Child Safe Standard 3

- Children and young people are informed about all of their rights, including to safety, information and participation.
- The importance of friendships is recognised and support from peers is encouraged, to help children and young people feel safe and be less isolated.
- Where relevant to the setting or context, children and young people are offered access to sexual abuse prevention programs and to relevant related information in an age appropriate way.
- Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children and young people to express their views, participate in decision-making and raise their concerns.
- Organisations have strategies in place to develop a culture that facilitates participation and is responsive to the input of children and young people.
- Organisations provide opportunities for children and young people to participate and are responsive to their contributions, thereby strengthening confidence and engagement.

Child Safe Standard 4

- Families participate in decisions affecting their child.
- The organisation engages and openly communicates with families and the community about its child safe approach and relevant information is accessible.
- Families and communities have a say in the development and review of the organisation's policies and practices.
- Families, carers and the community are informed about the organisation's operations and governance.

Child Safe Standard 5

- The organisation, including staff and volunteers, understands children and young people's diverse circumstances, and provides support and responds to those who are vulnerable.

- Children and young people have access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand.
- The organisation pays particular attention to the needs of children and young people with disability, children and young people from culturally and linguistically diverse backgrounds, those who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children and young people.
- The organisation pays particular attention to the needs of Aboriginal children and young people and provides/promotes a culturally safe environment for them.

Child Safe Standard 6

- Recruitment, including advertising, referee checks and staff and volunteer pre-employment screening, emphasise child safety and wellbeing.
- Relevant staff and volunteers have current working with children checks or equivalent background checks.
- All staff and volunteers receive an appropriate induction and are aware of their responsibilities to children and young people, including record keeping, information sharing and reporting obligations.
- Ongoing supervision and people management is focused on child safety and wellbeing.

Child Safe Standard 7

- The organisation has an accessible, child focused complaint handling policy which clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report.
- Effective complaint handling processes are understood by children and young people, families, staff and volunteers, and are culturally safe.
- Complaints are taken seriously, and responded to promptly and thoroughly.
- The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement.
- Reporting, privacy and employment law obligations are met.

Child Safe Standard 8

- Staff and volunteers are trained and supported to effectively implement the organisation's child safety and wellbeing policy.
- Staff and volunteers receive training and information to recognise indicators of child harm including harm caused by other children and young people.
- Staff and volunteers receive training and information to respond effectively to issues of child safety and wellbeing and support colleagues who disclose harm.

- Staff and volunteers receive training and information on how to build culturally safe environments for children and young people.

Child Safe Standard 9

- Staff and volunteers identify and mitigate risks in the online and physical environments without compromising a child's right to privacy, access to information, social connections and learning opportunities.
- The online environment is used in accordance with the organisation's Code of Conduct and child safety and wellbeing policy and practices.
- Risk management plans consider risks posed by organisational settings, activities, and the physical environment.
- Organisations that contract facilities and services from third parties have procurement policies that ensure the safety of children and young people.

Child Safe Standard 10

- The organisation regularly reviews, evaluates and improves child safe practices.
- Complaints, concerns and safety incidents are analysed to identify causes and systemic failures to inform continuous improvement.
- The organisation reports on the findings of relevant reviews to staff and volunteers, community and families and children and young people.

Child Safe Standard 11

- Policies and procedures address all Child Safe Standards.
- Policies and procedures are documented and easy to understand.
- Best practice models and stakeholder consultation informs the development of policies and procedures.
- Leaders champion and model compliance with policies and procedures.
- Staff and volunteers understand and implement policies and procedures.

6.0 Reporting

Any staff member, contractor or volunteer who has reasonable belief to suspect abusive activity has occurred must immediately notify the Chief Executive Officer.

Any staff member, contractor or volunteer who has reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16 must also report the matter to Police and to Child Protection authorities.

Failure to disclose the information may be a criminal offence unless there is a 'reasonable excuse' or an individual has an 'exemption' from doing so.

In situations where the CEO is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the Board of the Ballarat Foundation.

7.0 Investigating

If the appropriate child protection service or the police decide to investigate a report, all employees, contractors or volunteers must co-operate fully with the investigation.

Whether or not the authorities decide to conduct an investigation, the CEO will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any proceeding of the authorities, the CEO may decide to conduct such an investigation. All employees, contractors and volunteers must co-operate fully with the investigation.

Any such investigation will be conducted according to the rules of natural justice.

The CEO will make every effort to keep any such investigation confidential; however, from time to time other members of staff may need to be consulted in conjunction with the investigation.

After an initial review and a determination that the suspected abuse warrants additional investigation, the CEO shall coordinate the investigation with the appropriate investigators and/or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

8.0 Responding

If it is alleged that a member of staff, contractor or a volunteer may have committed an offence or have breached the organisation's policies or its Child Safe Code of Conduct the person concerned may be stood down (with pay, where applicable) while an investigation is conducted.

If the investigation concludes that on the balance of probabilities an offence (or a breach of the organisation's policies or Child Safe Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organisation. The findings of the investigation will also be reported to any external body as required.

9.0 Reviewing

Every 12 months, and following every reportable incident, a review shall be conducted to assess whether the organisation's child protection policies or procedures require modification to better protect the children under the organisation's care.

10.0 Applies to

All Directors, Committee members, casual, permanent and contract staff and volunteers.

11.0 Definitions

Child means a person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

Child protection means any responsibility, measure or activity undertaken to safeguard children from harm.

Child abuse means all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (eg for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child.

Child sexual assault is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child. (as indicated by the Royal Commission into Child sex abuse)

Reasonable grounds for belief is a belief based on reasonable grounds (see below) that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation

and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a reasonable person believes that:

- (a) the child is in need of protection,
- (b) the child has suffered or is likely to suffer “significant harm as a result of physical injury,” or
- (c) the parents are unable or unwilling to protect the child.

A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof, but is more than mere rumour or speculation.

A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a ‘reasonable belief’ might be formed if:

- a) a child states that they have been physically or sexually abused;
- b) a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- c) someone who knows a child states that the child has been physically or sexually abused;
- d) professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or
- e) signs of abuse lead to a belief that the child has been physically or sexually abused.

12.0 Related Documents

- Child Safe Code of Conduct
- Risk Management Policy
- Staff Recruitment & Employment Policies
- Privacy & Confidentiality Policy
- Accident/Incident Reporting Policy

13.0 References

This policy must be read in conjunction with:

- Victorian Childsafe Standards 1 July, 2022 – Commission for Children and Young People
- Child Safety and Wellbeing Act 2005 (Vic)
- the organisation’s Childsafe Code of Conduct, Staff or L2P Codes of Conduct;
- Procedural documents for responding to and reporting allegations of child abuse
- Department of Families, Fairness and Housing (DFFH), Commission for Children and Young People (CCYP)
- Ballarat Foundation policy and procedure in relation to Termination of Employment, Acceptable Behaviour or Misconduct.