

CHILD SAFE STANDARDS AND MANDATORY REPORTING PROCEDURE

Part A - Definitions

Activity – any Glenroy Neighbourhood Learning Centre activity including educational classes, Neighbourhood House programs, other programs which are organised by GNLC or any other activities which take place on GNLC site.

Adult – anyone aged 18 years and over (and includes Staff, Students, GNLC Centre Users, visitors, parents, carers and guardians).

Young Person – a person who is currently under 18 years of age whether or not enrolled as a student. The plural of 'young person' in this Procedure is 'young people'.

Child Abuse or Harm – Includes:

- a. Any act committed against a child involving –
 - i. A sexual offence; or
 - ii. The offence of grooming under the Crimes act 1958 (Vic);
- b. The infliction on a child of –
 - i. Physical violence; or
 - ii. Serious emotional or psychological harm;
- c. Serious neglect of a child;
- d. Racial, cultural or religious vilification or discrimination of a child.

Manager – the Centre Manager

Mandatory Reporter(s) – Persons who have a mandatory reporting obligation as set out in Part 4.4 of the Children, Youth and Families Act 2005 (Vic). Persons include (but not limited to) registered teachers; school principals; registered medical practitioners; nurses including midwives; police officers; registered psychologists; early childhood workers; youth justice workers, out of home care workers and people in religious ministry.

Position of Authority – A person who by reason of their position at GNLC is deemed to have the power or responsibility to reduce or remove the risk of child sexual abuse. At GNLC Position of Authority includes managers and Committee of Management (CoM)

Responsible Person – the individual member of Staff who is responsible for the Activities within a program area.

Reasonable Steps – Acting on concerns and suspicions as soon as practicable by following Child Safety Reporting Process and reporting to external authorities such as Victoria Police, Department of Health and Human Services – Child Protection or ChildFIRST as appropriate.

Reasonably Foreseeable - A reasonable person, in the same circumstances, would know or appreciate the risk of harm from the event or activity.

Reasonable Belief

- a. A 'reasonable belief' is not the same as having proof beyond reasonable doubt but is more than a mere rumour or speculation.

- b. 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:
 - i. A Young Person states that they have been physically or sexually abused; or
 - ii. A Young Person states that they know someone who has been physically or sexually abused (sometimes the Young Person may be talking about themselves); or
 - iii. Someone who knows a Young Person states that the Young Person has been physically or sexually abused; or
 - iv. Professional observations of the Young Person's behaviour or development leads a professional to form a belief that the Young Person has been physically or sexually abused or is likely to be abused; or
 - v. Physical signs of abuse leads to a belief that the Young Person has been physically or sexually abused.

Reportable Allegation [Reportable Conduct Scheme – Child Wellbeing and Safety Act 2005 (Vic)] – There is an allegation of 'reportable conduct' when a person forms a reasonable belief that a Staff member has engaged in:

- a. A sexual offence, sexual misconduct or physical violence against, with or in the presence of a Young Person; or
- b. Behaviour causing significant emotional or psychological harm to a Young Person; or
- c. Significant neglect of a Young Person;

whether or not the Staff member to whom the allegation relates to provides services to Young People, and even if the allegation arises as a result of the Staff member's conduct or misconduct outside the scope of their employment.

Note:

* A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it is not the same as having proof and does not require certainty. For example, a person is likely to have a reasonable belief if they:

- a. Observed the conduct themselves;
- b. Heard directly from a Young Person that the conduct occurred;
- c. Received information from another credible source (including another person who witnessed the reportable conduct or misconduct).

* Only conduct by an Adult Against a Young Person is reportable under this Scheme (Young Person to Young Person is not reportable).

Staff –

- a. All employees and CoM of GNLC;
- b. All contractors and consultants performing work on GNLC sites or on behalf of the GNLC;
- c. The Council and its committees;
- d. Any volunteer.

Student –

- a. A person enrolled at GNLC in a course leading to a certificate, or other award; or
- b. A person whose study performance is being or is to be assessed by GNLC, notwithstanding that such a person is not enrolled at GNLC in a course leading to a certificate or other award.

Direct Contact means any contact between an Adult and a Young Person that involves –

- a. Physical contact; or
- b. Face to face contact; or
- c. Contact by post or other written communication; or
- d. Contact by telephone or other oral communication; or
- e. Contact by email or other electronic communication.

Part B - Roles and Responsibilities

Role	Responsibility
Accountable Person - Manager	<ul style="list-style-type: none"> • Ensure that Glenroy Neighbourhood Learning Centre (GNLC) complies with its legislative obligations relating to the safety and wellbeing of Young People. • Develop, review and revise policies and procedures relating to the safety and welfare of Young People at GNLC. • Coordinate the implementation of policies and procedures relating to the safety and welfare of Young People at GNLC. • Provide support and advice to the GNLC community about issues relating to the safety and wellbeing of Young People. • Maintain a central record of all GNLC Activities that involve Young People and which includes the Responsible Person for each such Activity. • Receive reports on child safety concerns raised through the Child Safety Reporting process and oversee implementation of any actions arising from such incidents. • Comply with the Reportable Conduct Scheme administered by the Victorian Commission for Children and Young People (https://ccyp.vic.gov.au/reportable-conduct-scheme/) • Implement the Policy and this Procedure (and all legislative and regulatory obligations) relating to the safety and welfare of Young People. • Implement recruitment and selection Policy practices to ensure recruitment of Staff working with Young People hold current WWCC. • Ensure that Adults and Young People participating in Activities conducted by are provided appropriate information and/or training relating to the Policy and this Procedure including the Child Safety Reporting process. • Receive and appropriately act on reports from each Responsible Person which they receive in accordance with the Policy and this Procedure.

	<ul style="list-style-type: none"> • Ensure that recruitment practices comply with GNLC's legislative obligations regarding child safety. • Ensure that all Activities involving Young People are conducted in accordance with the Policy and this Procedure and other related GNLC policies and procedures. • Conduct appropriate Risk assessments in relation to all Activities (new or existing) involving Young People and adapt the Activities to mitigate risks. • Ensure compliance with mandatory duties to report. Refer to Child Safety Reporting Guidelines.
Responsible person (teaching staff)	<ul style="list-style-type: none"> • Inform and seek approval from the Manager for all Activities involving Young People in accordance with the Adequate Supervision of Students Policy and Adequate Supervision of Students Procedure (Off Site). • Conduct a Risk assessment for all off site activities and adapt the activities to mitigate risk. • Report any child safety concerns to the Manager in accordance with the Child Safety Reporting process.
Responsible Person (non teaching GNLC staff)	Report any child safety concerns to the Manager in accordance with the Child Safety Reporting process
Mandatory Reporter	Ensure compliance with the mandatory duties to report. Mandatory Reporters are undertaken to report suspected abuse when they have reasonable cause to suspect that a child is a victim of child abuse. Refer to Child Safety Reporting Guidelines for more information

Part B: Child Safety – Staff Duty of Care

Staff have a duty to take Reasonable Steps to protect Young People under their supervision from Child Abuse or Harm that is Reasonably Foreseeable. Duty of care towards a Young Person may be breached if Staff fail to act in the way a reasonable or diligent professional would have acted in the same situation.

Staff who form a Reasonable Belief that a Young Person is in need of protection from Child Abuse or Harm must follow the Child Safety Reporting Process and report to external authorities such as Victoria Police, Department of Health and Human Services – Child Protection or ChildFIRST as appropriate.

Part C - Child Safety – Reporting Obligations

The GNLC community has legal obligations to report suspected child sexual abuse:

- a. Failure to disclose: All Adults in Victoria who have a reasonable belief that an Adult has committed a sexual offence against a child under 16 years of age have an obligation to report that information to Victorian Police and/or Child Protection. [Crimes Act 1958 (Vic) – Section 327.]
- b. Failure to protect: Any person in a Position of Authority at GNLC will commit an offence if they know of a substantial risk of sexual abuse of a child under 16 years of age under the care or supervision of GNLC, by an Adult associated with GNLC and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. GNLC has an obligation to remove the employee from contact with children and report to the appropriate authorities. [Crimes Act 1958 (Vic) – Section 490.] Refer to Child Safety Reporting Guidelines.

Mandatory reporting: Any person who is a Mandatory Reporter must comply with their mandatory duties to report. Mandatory Reporters are undertaken to make the report.
Refer to Child Safety Reporting Guidelines – Section 4 for further information.

Further information on child safety reporting obligations is available in Child Safety Reporting Guidelines – Section 4 and on the Victorian Department of Education and Training website:

<https://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotectobligation.aspx>

Part D - Managing Risks to Child Safety and Wellbeing

The Responsible Person must ensure that all Activities involving Young People whether on-site or off-site must be undertaken in accordance with the Policy and this Procedure and all other applicable policies and procedures. The Responsible Person must conduct appropriate Risk assessments in relation to each Activity involving Young People and adapt the activity to mitigate risks of Child Abuse or Harm.

Please note that there are other risks such as those addressed in the Health and Safety Policy and Procedures which also need to be addressed in any risk assessment.

Child safety risks are based on a range of factors including the nature of the Activities, the physical environments and online environments as well as the characteristics and needs of particular Young People and communities including Young People of Aboriginal heritage, culturally and/or linguistically diverse backgrounds and Young People with a disability. This covers both 'business as usual' risks and risks posed by specific Activities such as excursions.

Where Adults have concerns about a Young Person based on an allegation or suspicion of Child Abuse or Harm or concerns for the safety and wellbeing of a Young Person they must follow the Child Safety Reporting process. A reasonable belief under this obligation includes a child stating they have been abused. Refer to section 1 – Child Safety Concerns that should be reporting, in the Child Safety Reporting Guidelines.

Please note that this does not displace the obligations to report occupational health and safety incidents involving Young People in accordance with the Health and Safety Policy and OHS Incident Reporting Procedure.

Concerns about a Young Person which do not relate to child safety (e.g. unsatisfactory academic progress) are not covered by the Child Safe Standards and Mandatory Reporting Policy and Procedure and do not have to be reported using the Child Safety Reporting process.

Risk management approaches are regularly reflected on and improved as part of the Continuous Improvement Policy and Procedure.

Part E - Participation and Empowerment of Children

In planning and conducting Activities involving Young People, the Responsible Person must ensure that -

- a. Participation is designed to be:
 - i. Ethical;
 - ii. Age appropriate;
 - iii. Culturally respectful;
 - iv. Inclusive of a diverse range of Young People, demonstrating respect for Young People of all ages, abilities, social and cultural backgrounds;
 - v. Positive and enjoyable;
 - vi. Voluntary and with informed consent.
- b. Opportunities are made available for Young People to provide feedback and express their views and concerns.
- c. The Adults involved in the Activity are skilful in facilitating the participation of Young People.

Part F - Recruitment and Selection

The Manager recruiting Staff who will have direct contact with Young People must ensure that any specific guidelines and practices relating to recruitment of persons working with Young People are followed. These are outlined in the Recruitment and Selection Policy and Procedure.

The Manager is responsible for ensuring that recruitment and selection practices provide for child safety.

Working with Children Checks

The Responsible Person must ensure that all Staff involved in an Activity, who come into direct contact with Young People (other than in the ordinary delivery of education by GNLC), have a Working with Children Check (WWCC).

Please note that occasional direct contact with Young People that is incidental to the work is not considered child-related work for the purposes of the Working with Children Act 2005 (Vic) and does not require a WWCC.

Part G – Structured Work placement Learning

The Responsible Person for Activities which are Structured Work placement Learning (SWL) activities (see Structured Work placement Learning Policy and Structured Work placement Learning Procedure) for Students that involve contact with Young People must ensure that Students comply with the Policy and this Procedure and are provided with appropriate information on requirements such as Working with Children Checks and legal obligations to report on Child Abuse or Harm.

Where the Students taking part in Activities which are SWL (see Structured Work placement Learning Policy and Structured Work placement Learning Procedure) are under 18 years of age, the Responsible Person must ensure that the work integrated learning partner or practical placement partner has appropriate policies and procedures relating to child safety that meet the Victorian Child Safe Standards or equivalent.

Part H - Administrative Matters

Students

The Responsible Person must ensure that the permission of a parent or guardian is obtained for each Student aged 18 years and under to participate in Activities such as excursions, work integrated learning activities, work experience, and sporting activities.

Non-enrolled Persons

The Responsible Person for Activities involving Young People who are not Students, (for example, where a school or other body is involved in the Activity) must be reasonably satisfied that those Young People's participation in the Activity has been appropriately authorised.

The Responsible Person for Activities where groups of Young People are brought to GNLC as part of a school or community group, must ensure that the school provides adequate teaching or other staff to supervise the group, and that the school remains the responsible organisation for those Young People during the Activity. The school must ensure that required parental consents are obtained.

Privacy

The GNLC Privacy Policy and Privacy Procedure applies in relation to all Students' personal information regardless of their age.

Record Keeping

The Manager must maintain a separate register specifying –

- a. Activities involving Young People;
- b. Responsible Persons for such Activities.

The information on each register maintained by the Manager must be provided to the Accountable Person for consolidation into a single database for the purpose of monitoring compliance with the requirements under the Policy and this Procedure.

All incidents recorded through the Child Safety Reporting process must be maintained in accordance with the Privacy Policy and Procedure and the Records Management, Resulting and Data Management Policy and associated procedures.

Reportable Conduct Scheme

On receiving an allegation or suspicion of Child Abuse or Harm or concerns for the safety and wellbeing of a Young Person through the Child Safety Reporting process, the Accountable Person must in consultation with Legal Services immediately assess whether it is a Reportable Allegation.

Where a Reportable Allegation is identified the Accountable Person must:

- a. If the allegation involves suspected criminal conduct, notify Victoria Police immediately.
- b. Notify the Commission of Children and Young People (CCYP) within 3 business days using the appropriate form.
- c. As soon as practicable commence an investigation and notify CCYP of who will conduct the investigation. [The investigation may be conducted by the organisation, their regulator or an independent investigator.]
- d. Give CCYP further, detailed information about the Reportable Allegation within 30 days including information about proposed disciplinary or other action to be taken in response to the allegation and any written submissions made by the Staff member about that disciplinary or other action.
- e. After the investigation has concluded, give the CCYP:
 - i. A copy of the investigation findings and reasons; and
 - ii. Details of proposed disciplinary or other action to be taken in relation to the Staff member and the reasons for the action; and
 - iii. Where a decision has been made not to take any disciplinary or other action in relation to the Staff member, the reasons why no action will be taken.

Where the Reportable Allegation involves Staff engaged in GNLC activities the process outlined must be undertaken in consultation with GNLC CoM.

GUIDELINES

Refer to Child Safety Reporting Process and Child Safety Reporting Guidelines.

ASSOCIATED INFORMATION

Child Safe Standards - Department of Health and Human Services website (Victoria).

<https://www.dhhs.vic.gov.au/publications/child-safe-standards>

Child Safe Standards - Commission for Children and Young People website (Victoria).

<http://www.ccyp.vic.gov.au/child-safe-standards/index.htm>

A Guide for Creating a Child Safe Organisation

<https://ccyp.vic.gov.au/assets/resources/CSSGuideFinalV4-Web-New.pdf> – Published by the Commission for Children and Young People (Victoria) [CCYP].)

Cultural safety for Aboriginal children

<http://www.ccyp.vic.gov.au/downloads/tipsheets/tipsheet-cultural-safety-aboriginal-children.pdf>

Safety of children from culturally and linguistically diverse backgrounds

<https://ccyp.vic.gov.au/assets/resources/tipsheet-safety-children-cult-ling-diverse.pdf>

Safety of children with a disability

<https://ccyp.vic.gov.au/assets/resources/tipsheet-safety-children-disability.pdf>

Empowerment and participation of children

<https://ccyp.vic.gov.au/assets/resources/tipsheet-empower-participation-children.pdf>

Reportable Conduct Scheme

<https://ccyp.vic.gov.au/reportable-conduct-scheme/>

Failure to Disclose Offence Fact Sheet – Department of Health and Human Services (Victoria)

<https://providers.dhhs.vic.gov.au/failure-disclose-offence-fact-sheet-word>

Failure to Protect Offence Fact Sheet – Department of Health and Human Services (Victoria)

<https://providers.dhhs.vic.gov.au/failure-protect-offence-factsheet-word>

Mandatory Reporting – Department of Health and Human Services Victoria

<https://providers.dhhs.vic.gov.au/mandatory-reporting>

Child Protection Reporting Obligations – Victorian Department of Education and Training

<https://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotectobligation.aspx>

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