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Working with Children and Child Safety

PRINCIPLE

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.

If you believe a child is at immediate risk of abuse phone 000.

PURPOSE

The purpose of this document is to inform all elements of OUP activities relating to engaging with children, to ensure that the organisation provides a safe and supportive environment to any children participating in OUP programs.

This document is consistent with the Victorian *Child Wellbeing and Safety Act 2005*.

If OUP is delivering programs in states and territories other than Victoria, OUP must adhere to the local laws of the jurisdiction in which the program(s) operate.

In particular:

1. To facilitate the prevention of child abuse occurring within OUP.
2. To work towards an organisational culture of child safety.
3. To prevent child abuse within OUP.
4. To ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs.
5. To provide guidance to employees, participants, volunteers, contractors, students on placement, Board members, and visitors under the direction of OUP as to action that should be taken where they suspect any abuse within or outside of the organisation.
6. To provide a clear statement to employees, participants, volunteers, contractors, students on placement, Board members, and visitors under the direction of OUP forbidding any such abuse.
7. To provide assurance that all cases of suspected abuse will be reported and fully investigated.

POLICY

OUP has zero tolerance for child abuse.

OUP is committed to promoting and protecting the best interests of all children involved in its programs or interacting with the organisation, and to providing them with a safe environment in which to undertake their activities.

OUP will consider the opinions of children and use their feedback to inform the development of child protection policies.

OUP supports and respects all children and OUP personnel. OUP 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.

VICTORIAN CHILD SAFE STANDARDS

Standard 1: Establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued

Policy response:

- Implement a First Nations cultural safety plan and undertake cultural competency training for all staff working with children
- Regularly review OUPs equal opportunity and workplace behaviours policy to ensure a culturally safe and inclusive environment for all Aboriginal children and their families

Standard 2: Child safety and wellbeing is embedded in organisational leadership, governance and culture. Policy response:

- The organisation will make a public commitment to child safety via OUPs website.
- All organisational strategic documents (i.e. Strategic Plan, Business Plan, and program-specific Business Plans) will include a section which addresses Child Safety
- OUP will adopt specific organisational Key Performance Indicators (KPIs) relating to Child Safety
- A Child Safety KPI will be included as part of the individual work plan of every employee
- This Child Safe Policy and Procedures has been adopted by the OUP Board of Directors and will be reviewed annually. Child Safe Policy, Procedures and Code of Conduct will be provided to all personnel.

Standard 3: Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.

Policy response:

- All children will be inducted into a Code of Conduct and OUPs Child Safety Policy will be provided electronically to children who interact with OUP and their parents
- OUP will adopt specific organisational Key Performance Indicators (KPIs) relating to Child Safety including annual Child Safe training
- The OUP personnel will support all children to access OUP's community and participation programs
- Formal internal and external evaluation of the effectiveness of OUP's community participation program will inform future program design
- The Associate Artists Program will promote peer leadership pathways for young program participants

Standard 4: Families and communities are informed and involved in promoting child safety and wellbeing.

Policy response:

- OUP will include families and communities to have a say in the development and review of the organisation's policies and practices

Standard 5: Equity is upheld and diverse needs respected in policy and practice.

Policy Response:

- OUPs programs and projects have designated support resources for those who are vulnerable
- All personnel are provided with a Child Safe induction upon beginning work at OUP. Personnel have an understanding of children and young people's diverse circumstances and have resources to respond to those who are vulnerable

Standard 6: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

Policy response:

- All personnel engaged by the organisation who may have any direct contact with children must have a valid Working with Children Check (WWCC) or Victorian Institute of Teaching (VIT) card
- Any new personnel must have the current status of their WWCC verified through the WWCC website and records must be kept of the date of the most recent status check and the expiry date of the current WWCC card for each individual
- All personnel must be provided with a Child Safe induction upon beginning work at OUP
- All existing personnel must be provided with an annual Child Safe 'refresher' session which will profile OUP's Child Safe Policy and Procedures and any updates or changes to organisational policy or the relevant legislation

Standard 7: Processes for complaints and concerns are child-focused.

Policy response:

- OUP's Child Safe Policy and Procedures clearly outline all complaints processes
- The processes for reporting suspected or actual child abuse are detailed in the procedures included within this document
- All personnel working directly with children will undertake training in identifying and responding to child abuse
- Referral and support partnerships with frontline child services organisations and local council youth services departments are to be used for expert support when needed

Standard 8: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.

Policy response:

- This Child Safe Code of Conduct will be provided to all new personnel. Any such individual working with the organisation will be verbally inducted into the Child Safe Code of Conduct and be required to read, accept, and sign off on the obligations document prior to commencing work with the organisation
- The Child Safe Code of Conduct will be reviewed annually to ensure it continues to meet operational needs and legislative requirements and updated promptly as per the legislative requirements

Standard 9: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.

Policy response:

- OUP will undertake a risk assessment of each workplace delivered by the company whether it be physical or online
- OUP will work with third party partners to ensure they also have process and policies in place to protect children from the risk of harm
- Include Child Safety as a specified area of review in the organisational risk management plan

Standard 10: Implementation of the Child Safe Standards is regularly reviewed and improved.

Policy response:

- Annual review of Child Safe Policy and updated as prescribed in OUP's Child Safe Code of Conduct

Standard 11: Policies and procedures document how the organisation is safe for children and young people.

Policy response:

- The Governance and Finance Sub-Committee of the OUP Board will conduct an annual audit of OUP's Child Safe systems and processes to ensure that all relevant policies and procedures are being followed, and to identify any gaps in existing policies and procedures

RESPONSIBILITIES

Child protection is a shared responsibility between OUP, all personnel, and all other members of the OUP community.

All OUP personnel are responsible for the wellbeing and protection of children within the care of the organisation, and for reporting information about suspected or actual child abuse to the CEO(s).

The OUP Board of Directors 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 of Directors is also responsible for ensuring that appropriate policies and procedures and a Child Safe Code of Conduct are in place.

The CEO(s) is responsible for:

- Dealing with and investigating reports of child abuse
- Ensuring that all personnel are aware of relevant laws, organisational policies and procedures, and the organisation's Child Safe Code of Conduct
- Ensuring that all adults within the OUP community are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures
- Ensuring that all personnel are aware of their obligation to observe the Child Safe Code of Conduct
- Providing support for all personnel in undertaking their child protection responsibilities

All managers must ensure that they:

- Promote child safety at all times

- Assess the risk of child abuse within their area of control and eradicate or minimise any risk to the extent possible
- Educate their personnel about the prevention and detection of child abuse
- 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 personnel share the responsibility for the prevention and detection of child abuse, and must:

- Familiarise themselves with the relevant laws, the Child Safe Code of Conduct, and OUP's policy and procedures in relation to child safety, and comply with all requirements
- 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 if deemed to by Law if the company at the time is considered to be a mandatory reporter.
- 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 i.e. the Chair of the OUP Board)
- Provide an environment that is supportive of all children's emotional and physical safety

DEFINITIONS

Personnel refers to all employees, participants, volunteers, contractors, students on placement, Board members, and visitors under the direction of OUP.

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 (e.g. 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. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. 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.

Reasonable 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:

- the child is in need of protection
- the child has suffered or is likely to suffer “significant harm as a result of physical injury,”
- 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 child states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been physically or sexually abused
- 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
- signs of abuse lead to a belief that the child has been physically or sexually abused

PROCEDURES

Employment of New Personnel

OUP undertakes a comprehensive recruitment and screening process for all personnel 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 OUP’s values and commitment to protect children
- prevent a person from working at OUP if they pose a risk to children

OUP requires all personnel to pass through the organisation’s recruitment and screening processes prior to commencing their engagement with OUP.

OUP may require applicants to provide a Police Check in accordance with the law and as appropriate, before they commence working at OUP and during their time with OUP at regular intervals.

OUP may also require applicants to provide a valid WWCC.

OUP will undertake thorough reference checks as per the approved internal procedure.

Once engaged, all personnel must review and acknowledge their understanding of the OUP Working with Children and Child Safe Policy and Procedures.

Risk Management

OUP will ensure that child safety is a part of its overall risk management approach.

OUP’s Finance and Governance Sub-committee is tasked with overseeing the identification and management of risks at OUP.

Finance and Governance Sub-committee members will receive regular training in relation to child safety.

Reporting

Any personnel who have grounds to suspect abusive activity must immediately notify the CEO(s) who will then elevate the concern to the appropriate authorities such as the police and child protection.

In situations where the CEO(s) 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 Chair of the OUP Board.

The State of Victoria has a Failure to Disclose Law that states *‘Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years of age has an obligation to report that information to police, unless they have a reasonable excuse for not disclosing or exemptions apply. Failure to disclose the information to police is a criminal offence.’*

Investigating

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

Whether or not the authorities decide to conduct an investigation, the CEO(s) 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(s) may decide to conduct such an investigation. All personnel must co-operate fully with the investigation.

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

The CEO(s) will make every effort to keep any such investigation confidential; however, from time-to-time other personnel 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(s) 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.

Responding

If it is alleged that any personnel 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.

Privacy

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone’s safety. OUP will have safeguards and practices in place to ensure any personal information is protected.

Everyone is entitled to know how their personal information is recorded, what will be done with it, and who will be able to access it.

Working with Children Checks

All presented cards will be scanned and stored on the secure OUP server listed by the name of the card holder.

Upon beginning work with OUP all new personnel will have their current WWCC status checked through the WWCC website to ensure there have been no adverse findings against any employee, contractor or volunteer.

Status checks shall be repeated every 12 months for ongoing personnel to provide ongoing monitoring of the WWCC.

A database of personnel will be maintained including the name, WWCC Number (or VIT Number), expiry date of the existing card and the date of the most recent status check.

Any new personnel with an adverse finding will be unable to be engaged by OUP.

Any existing personnel with an adverse finding will be immediately suspended and will need to appear before the Governance and Finance Sub-Committee to appeal any suspension.

Reviewing

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

RELATED DOCUMENTS

Child Wellbeing and Safety Act 2005 (Vic)

Victorian Child Safe Standards

Crimes Act 1958 (Vic), Section 327

APPENDIX

Child Safe Code of Conduct



Child Safe Code of Conduct

INTRODUCTION

All children have the right to be safe at all times and OUP is committed to providing a safe and supportive environment for all young people.

OUP recognises the specific challenges that face children with a disability, children from low socio-economic backgrounds, children from Aboriginal and Torres Strait Islander backgrounds and children from multi-cultural and linguistically diverse backgrounds. The organisation is committed to providing additional support to ensure these children have opportunities to engage with OUP programs on an equal footing with all other young people.

All OUP personnel, including employees, participants, volunteers, contractors, students on placement, Board members, and visitors under the direction of OUP, must adhere to this Child Safe Code of Conduct and OUP's broader Child Safe Policy and Procedures in all of their interactions with children as part of their involvement with OUP.

If you believe a child is at immediate risk of abuse phone 000.

EXPECTED CONDUCT

To promote the safety of children engaging with OUP's programs all personnel must:

- Model cultural respect and promote safety for children from Aboriginal and Torres Strait Islander backgrounds and children from culturally and linguistically diverse backgrounds
- Listen and respond to the views and concerns of children and empower them to communicate freely
- Promote opportunities for participation and empowerment for children with a disability
- Have a zero-tolerance approach to any form of discrimination
- Strive to have all children feel equally valued and do not develop a special relationship with an individual child that could be interpreted as favouritism
- Ensure that adults are not left alone with a child
- Have a detailed awareness of the OUP Child Safe Policy and Procedures and comply with those
- Never be unnecessarily physical with children or have unnecessary physical contact
- Never assist a child in actions of a personal nature (changing, toileting, showering, etc) that the child can do themselves
- Not engage in open discussions of a mature or adult nature or use inappropriate or vulgar language in the presence of children
- Not have contact with a child or their family outside of our organisation without the OUP CEO's knowledge and consent
- Not have any direct online contact with child or their family without the OUP CEO's knowledge and consent
- Ensure any suspected or actual abuse is reported according to the OUP Child Safe Policy and Procedures
- Report any breaches of this Child Safe Code of Conduct to the OUP CEO(s).

STAFF AND VOLUNTEER ACCEPTANCE

I have read and been informed about the content, requirements, and expectations of the Child Safe Policy, Victorian Child Safe Standards and Child Safe Code of Conduct for employees, contractors, volunteers and participants of OUP.

I have received a copy of the policy and agree to abide by the Child Safe Code of Conduct as a condition of my employment/engagement/participation and my continuing engagement with OUP.

I understand that if I have questions, at any time, regarding the code of conduct or definitions within the policy, I will consult with my immediate line manager.

Please ensure you have read the policy carefully to confirm that you understand the policy before signing this document.

Employee Signature:

Employee Printed Name:

Date:

RELATED DOCUMENTS

OUP Risk Register

OUP Working with Children and Child Safe Policy and Procedures