

Policy Name:	Child Safety and Wellbeing	
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1. PURPOSE

Living Learning Pakenham’s (LLP) primary purpose is the provision of educational courses to adults and delivery of a range of services to the community with a strong focus on multiculturalism. In offering programs and services, this may involve the presence and involvement of children, either on our site, or at external venues. The purpose of this policy is to ensure that children who are present or are involved in any way with our programs and services, are safe and their wellbeing assured.

2. SCOPE

This policy applies to all staff, volunteers and members of the board. It applies to activities conducted on-site at LLP and any activities conducted off-site in which LLP is involved. It includes children who are:

- The children of LLP program participants;
- Older children enrolled in programs such as VCAL;
- Children involved in third party programs (i.e. Room hire activities such as dancing, church groups, etc.);
- Children who are accompanying adults to appointments with other service providers;
- Children participating in programs such as homework clubs; and
- Children who are participating in other programs run by LLP but are run off-site at another venue.

3. DEFINITIONS

Aboriginal	The term Aboriginal in this policy is inclusive of Aboriginal and Torres Strait Islander peoples.
Aboriginal Cultural Safety for Children	“Providing a safe, nurturing and positive environment where the child is comfortable with being themselves, expressing their culture, their spiritual and belief systems and they are supported by a carer..(who) respects their Aboriginality and therefore encourages their sense of self and identity.” <i>SNAICC, Cultural safety, SNAICC website, 2021.</i>
Child	An individual who is under the age of 18 years old.
Child Abuse	All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

	<p>Different types of child abuse and neglect have different features. The main subtypes of child abuse are:-</p> <ol style="list-style-type: none"> 1. Physical abuse 2. Emotional abuse 3. Neglect 4. Sexual abuse 5. Grooming 6. Exposure to family violence
Child FIRST	<p>Child FIRST (Child and family information, referral and support teams) are the entry point into family services. Child FIRST teams are located in sites across Victoria and delivered in your local area by community service organisations.</p> <p>Cardinia: (03) 9705 3939</p>
Cultural Safety	<p>An environment that is safe for people: where there is no assault, challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience of learning, living and working together with dignity and truly listening.</p> <p><i>For more information on cultural safety see the Aboriginal and Torres Strait Islander cultural safety framework for the Victorian health, human and community services sector.</i></p>
Orange Door	<p>The Orange Door is a free service for adults, children and young people who are experiencing or have experienced family violence and families who need extra support with the care of children.</p> <p>https://orangedoor.vic.gov.au/ 1800 319 353</p>
Program	<p>A planned, organised and structured activity into which participants are enrolled.</p>
“Risk of Significant Harm”	<p>Circumstances causing concern for the safety, welfare or wellbeing of the child or young person are present to a significant extent.</p>

4. POLICY

This policy has been developed and informed by the Victorian Child Safe Standards, National Principles for Child Safe Organisations, Mandatory Reporting Legislation and Failure to Protect Legislation.

The Victorian Child Safe Standards are a compulsory framework that supports organisations to promote the safety of children by requiring them to implement policies to prevent, respond to and report allegations of child abuse and harm. In Victoria, the legislation that creates the Standards is the Child Wellbeing and Safety Act 2005 (Vic). New updated Standards were released by the Victorian Government in 2021 and apply from 1 July 2022.

Child Safe Culture

All children have the right to feel safe and to be safe all the time. The commitment to a child safe culture is shared, openly and transparently by all members of the LLP Board, staff and volunteers.

The LLP Child Safe Code of Conduct provides guidelines for staff and volunteers on expected behavioural standards and responsibilities.

The Board and CEO are responsible for:-

- Encouraging a culture whereby staff, volunteers and third-party providers are supported and encouraged to raise, discuss and scrutinise concerns making it more difficult for abuse to occur and/or remain hidden.
- Champion attitudes and behaviours that respect the human rights of all children and young people and that identifies and respects the diverse needs, abilities and backgrounds of children.
- Model child safe behaviours expected of others, including prioritising child safety in decision-making and in the allocation of resources.
- Ensuring that risk management strategies focus on preventing, identifying and mitigating risks to children and young people.
- Ensuring staff and volunteers understand their obligations on information sharing and record keeping.
- Ensuring that regular audits/self-assessments of compliance with Child Safe Standards are carried out and findings acted on.

Statement of Commitment to Child Safety

LLP is committed to the safety and wellbeing of all people, especially children and young people. This commitment is at the centre of everything we do and the decisions we make.

LLP has zero tolerance for any forms of abuse and particularly abuse perpetrated against children. In all its forms of service delivery LLP is committed to providing a safe environment where all people, including children and young people are safe and feel safe, and their voices are heard about decisions that affect their lives.

Particular attention is paid to the safety of Aboriginal people, children from culturally and linguistically diverse backgrounds, as well as the safety of people with a disability, including children with a disability.

Every person involved in LLP has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all people, including children and young people is at the forefront of all they do and every decision they make.

The CEO is responsible for:-

- Embedding an organisational culture of child safety and defining what constitutes acceptable and unacceptable behaviour.
- Ensuring all staff and volunteers have read and acknowledged the Statement of Commitment to Child Safety and the Child Safe Code of Conduct.
- Ensuring that the Statement of Commitment to Child Safety is available and displayed for public access.
- Ensuring measures are in place to identify racism and instances of racism are addressed with appropriate consequences.

All staff and volunteers must agree to:-

- Sign an acknowledgement that they have read and understood the Child Safe Code of Conduct and Statement of Commitment to Child Safety.
- Abide by the LLP Child Safe Code of Conduct which specifies the standards required when working with children.

Cultural Safety of Aboriginal children and young people

LLP acknowledges the Bunurong People, as the Traditional Custodians of the land on which we operate. We acknowledge and respect their contributions, experience and knowledge as First Nations people. We pay our respects to their Elders, past and present.

LLP acknowledges that Aboriginal people are the First Peoples who have an ongoing connection to this country and will observe the National Government Apology to Australia's Indigenous People for the forced removal of Aboriginal Children (Sorry Day), NAIDOC week and National Reconciliation Week.

LLP will create inclusive and welcoming physical and online environments for Aboriginal children and their families by respecting Aboriginal peoples, communities, cultures and values. A Commitment to the Cultural Safety of Aboriginal Children will be available both in the online environment and at the Centre.

The Board and CEO are responsible for:-

- Leading a commitment of zero tolerance to child abuse and racism which is shared openly and transparently by all members of the LLP community.
- A public commitment to take ongoing action to build the capacity of staff to understand and take into account Aboriginal children's cultural rights and to foster their participation in relevant LLP programs and activities.
- Ensuring that LLP will support, guide and/or train staff, leaders and volunteers to understand, respect and value the strengths of Aboriginal culture and to understand the importance of this to the safety and wellbeing of Aboriginal children.
- Taking meaningful action each year to keep progressing compliance with Standard 1 of the Child Safe Standards – 'Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued'.

The CEO is responsible for:-

- The promotion of participation and inclusion of Aboriginal children and their families in programs and activities in a way that is culturally safe for Aboriginal children.
- Paying particular attention to the needs of Aboriginal and Torres Strait Islander children, children with a disability and children from CALD backgrounds.
- Ensure that a child's ability to express their culture and enjoy their cultural rights is encouraged and supported.

All staff and volunteers must agree to:-

- Encourage and support children to express their culture and enjoy their cultural rights.
- Actively support and facilitate participation and inclusion of Aboriginal children and their families.

Child participation and empowerment

LLP will empower children to know their rights and will support their participation in decisions that impact them by providing regular opportunities for participants to share their opinion/s and have input into programs through feedback, surveys and forums.

Age-appropriate and easy to understand information will be readily available in various formats encouraging children to speak up if something is worrying them and detailing support services that can be contacted for advice and assistance.

The CEO is responsible for:-

- Upholding and respecting children's rights at all times.
- Ensuring children and young people are informed about all of their rights, including safety, information, and participation.
- Considering the needs of children who are experiencing vulnerability or disadvantage, and ensuring they understand their rights and how they can raise any concerns about their treatment.
- Ensuring that children know how adults in the organisation should behave.
- Ensuring that children know who they can talk to if they feel uncomfortable and how they can expect LLP to respond.
- Ensuring that children understand the LLP complaints process and how to raise safety concerns for themselves, their friends or peers.
- Ensuring the importance of friendships is recognised and support from peers is encouraged, to help children and young people feel safe and be less isolated.
- Ensuring information and/or training is provided to staff and volunteers so they understand the rights of children, are skilled at engaging with children and helping them participate in decision-making and can recognise and act on the signs of child abuse and harm.
- Identifying practices that disempower children and ensuring action is taken to amend these.

All staff and volunteers engaged either directly or indirectly in child related work must agree to:-

- Uphold and respect children's rights at all times.
- Educate and engage with children about their rights, facilitate safe environments and support them to raise concerns and access services.
- Engage with children so they know how adults in the organisation should behave.
- Create opportunities for children to participate and contribute to decision-making.
- Seek the views of children and encourage their participation, including on safety and wellbeing issues.
- Promote friendships and peer support.
- Build skills in children to support their peers and challenge bullying or isolating behaviour between children.

Involving Families and Communities

LLP will maintain effective communication and participation strategies for engaging with, and responding to, the diversity of LLP families and communities and support families and communities to take an active role in promoting and maintaining child safety.

The CEO is responsible for:-

- Ensuring that families can participate in decisions that impact their child.
- Supporting families and communities to take an active role in promoting and maintaining child safety.
- Ensure that families are involved in the development of LLP policies and processes that impact child safety and wellbeing.
- Ensuring that LLP engages and openly communicates with families and the community about its child safe approach and relevant information is accessible, including:-
 - Information about the organisation's child safety and wellbeing policies.
 - Information about its governance and operations, complaints processes and disciplinary processes.
 - The development and review of LLP policies and practices.
- Ensuring LLP effectively responds to feedback from family and community members.
- Seeking the input of families and communities on the approach to child safety and wellbeing.
- Engagement with families and communities to build cultural safety for children.

All staff and volunteers must agree to:-

- Engage with families and communities as appropriate and respond to feedback as per organisational processes.
- Support families and communities to take an active role in promoting and maintaining child safety.

Equity and Diversity

LLP is committed to equity and inclusion and respects children's diverse circumstances and needs. All children will feel safe, welcome and included. Children will be provided with access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand.

LLP pays particular attention to the needs of:-

- Children and young people with a disability.
- Children and young people from culturally and linguistically diverse backgrounds.
- Those who are unable to live at home.
- Lesbian, gay, bisexual, transgender and intersex children and young people.
- Aboriginal children and young people.

The Board and CEO are responsible for:-

- Continual monitoring of the risk of child abuse and harm resulting from discrimination based on disability, race, ethnicity, religion, sex, intersex status, gender identity or sexual orientation.

The CEO is responsible for:-

- Ensuring staff and volunteers are trained in identifying and responding to children with diverse circumstances and needs, particularly those experiencing vulnerability or disadvantage.
- Ensuring children and young people have access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand.

Staff and volunteers are responsible for:-

- Identifying and responding to children with diverse circumstances and needs, particularly those experiencing vulnerability or disadvantage.

LLP Policy 7.6 Access and Equity addresses LLP's responsibilities to provide a fair and accessible environment and its commitment to access and equity principles and processes in the delivery of its services and working environment in accordance with legislation. The policy also outlines how LLP will provide for the special needs of clients and make reasonable adjustments.

Ensuring staff are suitable and supported

LLP will ensure those working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

LLP Policy 5.7 Staff Recruitment sets out recruitment procedures, including advertising, position descriptions, selection criteria, pre-employment screening and referee checks.

The Board are responsible for:-

- Regular review of the LLP Policy 5.7 Staff Recruitment.

The CEO is responsible for:-

- Following all processes contained in the LLP Policy 5.7 Staff Recruitment.
- Ensuring all senior staff involved in recruitment follow Policy 5.7 Staff Recruitment.

Child-focused complaint system

LLP has accessible and responsive, complaints management processes that are focused on the needs and rights of children. These are detailed in LLP Policy 7.8 Child Safe Complaints and Appeals.

The Board is responsible for:-

- Regular review of the LLP Policy 7.8 Child Safe Complaints and Appeals.

The CEO, staff and volunteers are responsible for:-

- Following all processes contained in the LLP Policy 7.8 Child Safe Complaints and Appeals.

Staff knowledge, skills and awareness

LLP promotes child safety and wellbeing by ensuring that staff and volunteers are provided with relevant knowledge skills and awareness to keep children and young people safe through ongoing education and training.

The CEO is responsible for:-

- Ensuring staff and volunteers are trained and supported to effectively implement the Child Safety and Wellbeing Policy.
- Ensuring staff and volunteers receive training and information on issues such as:-
 - Children's rights.
 - Recognising signs of child abuse or harm.
 - Responding to disclosures.
 - Understanding and responding to harmful behaviours by a child towards another child.
 - Record keeping.
 - Risk assessment and management.
 - External reporting obligations.
 - Culturally safe and inclusive environments.
 - Supporting a person disclosing harm.
 - Responding to racism.
- Creating a training plan and recording attendance and completion of training.

Safe physical and online environments

LLP promotes child safety and wellbeing in physical and online environments in order to reduce the risk of harm to children and young people.

The CEO is responsible for:-

- Ensuring the completion and review of risk assessment/s of online and physical environments which are responsive to the views of staff, volunteers, parents and carers and children.
- Ensuring risk management plans list the actions which will be taken to prevent or reduce each identified risk of child abuse or harm.
- Ensuring the online environment is used in accordance with the LLP Code of Conduct and Child Safe Code of Conduct.
- Minimising the risks of child abuse and harm without compromising children's right to privacy, access to information, social connections and learning opportunities in both online and physical environments.

Reporting to Authorities

Any concern for the safety or wellbeing of a child or young person, should immediately be reported to the CEO. All allegations of suspected criminal conduct will be reported to Victoria Police. There also may be additional reporting requirements for certain individuals as required by legislation.

Failure to Disclose

The failure to disclose offence helps to ensure that protecting children from sexual abuse is the responsibility of the whole community. The failure to disclose offence applies if:

- You are an adult, and
- You have information that leads you to form a 'reasonable belief' that another adult has sexually offended against a child under 16 in Victoria.

If this applies, you must report the information to police as soon as possible, unless:-

- You have a 'reasonable excuse' for not reporting the information, or
- You are exempt from the offence.

Failure to Protect

This offence requires a person in a position of authority to reduce or remove the risk of sexual abuse of a child by an adult associated with their organisation.

A person in a position of authority will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently failed to so.

Mandatory Reporting

In Victoria, mandatory reporting is required by the Youth and Families Act 2005 for people who work in specific professions to report if worried that a child is at risk of physical or sexual abuse. In respect to staff and volunteers at LLP, mandated reporters include:

- Wellbeing counsellors
- Early childhood workers
- Registered Teachers

Reporting must be made by any person in the above positions who has a reasonable belief that a child has been or is at risk of, physical or sexual or emotional abuse. Reasonable grounds include:

- A child states that they have been abused.
- A sibling, relative, friend or acquaintance states that a child has been, or is at risk of being abused.
- A child states that they know someone who is being abused.
- Own observations of a child's physical and or emotional condition or behaviour gives rise to the suspicion that a child has suffered abuse.
- Other circumstances lead to the suspicion that a child has been abused.

It is important to note that evidence that abuse has occurred is not required for it to be reported. The law requires only that abuse is suspected to have occurred, is occurring or is at risk of occurring in order for a report to be filed.

Reportable Incidences

Mandated reporters must contact the Department of Families, Fairness and Housing Child Protection Unit – Southern Division (1300 655 795). The Department of Families, Fairness and Housing is the statutory body responsible for the protection of children and have the authority to investigate matters of suspected child abuse.

The information required from the Unit includes:

- Child's details
- Family details and information relating to the family situation and history
- Details of the alleged abuse
- Details on the grounds for the suspicion of child abuse, including the name of the alleged perpetrator/s and contact details if they are available.

Duty of Care

Reporting of child abuse is not limited to mandated professionals. All staff, volunteers and third party room hirers have a duty of care to protect any child associated with LLP, and to report concerns of child abuse and neglect. In the first instance reports should immediately be made to the CEO. All allegations and reports of abuse and neglect will remain confidential to protect the child and their family (in as far as family members are not the alleged abuser/s).

Statutory Duty of Care

There is also a well-defined legal duty to prevent child abuse within organisations. A statutory duty of care has been created under the Wrongs Amendment (Organisational Child Abuse) Act 2017 (see Part XIII of Wrongs Act 1958) to ensure there is a clear legal duty placed on organisations to take reasonable steps to minimise the risk of child abuse, perpetrated by organisational representatives.

Concerns for Wellbeing

Where there are significant concerns for the wellbeing of a child, but there is not the belief that they are at risk of significant harm and where the immediate safety of the child will not be compromised, a referral to Child FIRST or The Orange Door may be appropriate. Such concerns may include where families:

- Are experiencing significant parenting problems that may be affecting the child's development.
- Are experiencing family conflict, including family breakdown.
- Are under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement.
- Are isolated and/or unsupported.
- Are experiencing significant social or economic disadvantage that may adversely impact on a child's care or development.

The Board and CEO are responsible for:-

- Ensuring that procedures are in place to investigate and report all allegations of abuse and safety concerns.

All staff and volunteers must agree to:

- Hold a Working with Children Check and a Police Check (see Policy 5.5 Police and Working with Children's Check).
- Report child safety concerns or complaints to the CEO and where applicable as per legislative requirements.

Regular review of child safe policies and practices

LLP recognises that building a child safe organisation is a dynamic and ongoing process of learning, monitoring and reviewing. LLP will regularly review and improve its implementation of the Victorian Child Safe Standards and reflect on and improve child safety and wellbeing policies and practices.

The Board and CEO are responsible for:-

- Ensuring that this policy and any other child safety and wellbeing policies and procedures are regularly reviewed.
- Ensuring that LLP has fully implemented each of the Victorian Child Safe Standards.
- Ensure that Child Safety and Wellbeing is a standing agenda item at every board meeting to continually monitor and review compliance with Victorian Child Safety Standards.

The CEO is responsible for:-

- Management of Child Safety Standards and ensuring that organisational values and legislation on reporting are upheld.
- Ensuring that children, families, communities, staff and volunteers are engaged in the review of processes and provide feedback on review outcomes.
- Ensuring that any complaints, concerns, incidents or significant breaches of policy are analysed to identify causes or systemic weaknesses and implement any required improvement/s.
- Ensuring records are kept of complaints, concerns, allegations and actions taken.
- Ensuring that relevant findings from complaints, concerns and safety incidents are provided, as appropriate, to staff and volunteers, community, families, and children and young people.
- Ensuring that an annual review of child safety is conducted.

Documenting policies and procedures

LLP has a range of policies and procedures which demonstrate how LLP supports child safety and wellbeing. The LLP Child Safety and Wellbeing policy is complemented by the following:-

5.5 Police and Working with Children's Checks

5.7 Staff Recruiting

7.6 Access and Equity

7.8 Child Safe Complaints and Appeals

Living Learning Pakenham Code of Conduct

Living Learning Pakenham Child Safe Code of Conduct including Statement of Commitment to Child Safety

LLP Commitment to the Cultural Safety of Aboriginal Children

These policies have been informed by stakeholder consultation and are publicly available on the LLP website. Any feedback from the community will be recorded and a response sent outlining what action has been taken.

The CEO is responsible for:-

- Monitoring and ensuring that leaders, staff and volunteers understand child safety and wellbeing policies and procedures, have implemented them and are following them.
- Participating in peer review of child safety and wellbeing policies and procedures.

All staff and volunteers must agree to:-

- Comply with and implement child safety and wellbeing policies and procedures.

5. REFERENCE

Children, Youth and Families Act 2005 (Vic)

Child Wellbeing and Safety Act 2005 (Vic): A framework to promote children’s safety, wellbeing and development

Crimes Act 1958 (Vic): Failure to disclose and Failure to Protect

Mandatory Reporting to Child Protection in Victoria (Community Fact Sheet)

National Principles for Child Safe Organisations

Reportable Conduct Scheme

United Nations Convention on the Rights of the Child

Victoria’s Child Safe Standards

A Guide for creating a Child Safe Organisation – Commission for Children and Young People

6. RELATED POLICIES

5.5 Police and Working with Children’s Checks

5.7 Staff Recruiting

7.6 Access and Equity

7.8 Child Safe Complaints and Appeals

Living Learning Pakenham Code of Conduct

Living Learning Pakenham Child Safe Code of Conduct including Statement of Commitment to Child Safety