

## Child Protection Policy

Policy number	64	Version	1
		Approved by board on	15 December 2016
Responsible person	President	Review date	December 2017

### Introduction

Living Positive Victoria Inc. is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse.

Living Positive Victoria delivers programs and workshops that may involve children's participation.

Everyone working and volunteering at Living Positive Victoria Inc. is responsible for the care and protection of children and reporting information about child abuse.

### Purpose

The purpose of this policy is:

1. To work towards an organisational culture of child safety.
2. To prevent child abuse within Living Positive Victoria Inc.
3. 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.
4. To provide guidance to staff/volunteers/contractors as to action that should be taken where they suspect any abuse within or outside of the organisation.
5. To provide a clear statement to staff/volunteers/contractors forbidding any such abuse.
6. To provide assurance that any and all suspected abuse will be reported and fully investigated.

## Policy

Living Positive Victoria Inc. is committed to promoting and protecting at all times the best interests of children 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.

Living Positive Victoria Inc. has zero tolerance for child abuse. Everyone working at Living Positive Victoria Inc. 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 Living Positive Victoria Inc., all employees, workers, contractors, volunteers, associates, and members of the Living Positive Victoria Inc. community.

Living Positive Victoria Inc. will consider the opinions of children and use their opinions to develop child protection policies.

Living Positive Victoria Inc. supports and respects all children, staff and volunteers. Living Positive Victoria Inc. 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.

## Authorisation



Peter Davis  
Board Secretary

# Child Protection Procedure

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Responsible person	CEO	Review date	December 2017

## RESPONSIBILITIES

The **Board** of Living Positive Victoria Inc. 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 Code of Conduct which includes Child Protection are in place.

Two **Child Safety Officers** will be appointed from the senior management of Living Positive Victoria.

The **Child Safety Officers** of Living Positive Victoria Inc. are responsible for:

- Dealing with and investigating reports of child abuse;
- Ensuring that all staff, contractors, and volunteers are aware of relevant laws, organisational policies and procedures, and the organisation's Code of Conduct;
- Ensuring that all adults within the Living Positive Victoria Inc. community are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures;
- 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);
- Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.

All **managers** and coordinators must ensure that they:

- Promote child safety at all times;
- Assess the risk of child abuse within their area of control and eradicate / minimise any risk to the extent possible;
- Educate employees about the prevention and detection of child abuse; and
- Facilitate the reporting of any inappropriate behaviour or suspected abusive activities.
- If any person believes a child is in immediate risk of abuse, telephone 000.

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/volunteers/contractors** share in the responsibility for the prevention and detection of child abuse, and must:

- Familiarise themselves with the relevant laws, the Code of Conduct, and Living Positive Victoria Inc.'s policy and procedures in relation to child protection, and comply with all requirements;
- 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);
- Report any reasonable belief that a child's safety is at risk to the relevant authorities following the procedures outlined in [http://www.dhs.vic.gov.au/\\_data/assets/pdf\\_file/0003/582591/flowchart-mandatory-reporting-27-5-10.pdf](http://www.dhs.vic.gov.au/_data/assets/pdf_file/0003/582591/flowchart-mandatory-reporting-27-5-10.pdf); and
- Provide an environment that is supportive of all children's emotional and physical safety.

## 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 (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 or child sexual exploitation material. 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 grounds for belief** is a belief based on reasonable grounds 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)** 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.

## Employment of New Personnel

Living Positive Victoria Inc. undertakes a comprehensive recruitment and screening process for all workers and volunteers which 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 Living Positive Victoria Inc.'s values and commitment to protect children; and
- Prevent a person from working at Living Positive Victoria Inc. if they pose a risk to children.

Living Positive Victoria Inc. requires all workers/volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with Living Positive Victoria Inc.

Living Positive Victoria Inc. requires applicants to provide a Victorian Working with Children Check and a police check in accordance with the law and as appropriate, before they commence working at Living Positive Victoria Inc. and during their time with Living Positive Victoria Inc. at regular intervals.

Living Positive Victoria Inc. will undertake thorough reference checks as per the approved internal procedure.

Once engaged, workers/volunteers must review and acknowledge their understanding of The Child Safety Policy and Procedures.

## Risk Management

Living Positive Victoria Inc. will ensure that child safety is a part of its overall risk management approach.

Living Positive Victoria Inc. will have a risk and compliance sub-committee committed to identifying and managing risks at Living Positive Victoria Inc. Risk and compliance sub-committee members will receive regular training in relation to child safety.

## Reporting

Any staff member, volunteer or contractor who has grounds to suspect abusive activity must immediately notify the appropriate child protection service or the police. They should also advise both delegated **Child Safety Officers** about their concern.

In situations where a **Child Safety Officer** is suspected of involvement in the abusive 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 **Child Safety Officer** who is free of suspicion and the **CEO**.

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 **CEO**.

In situations where the **CEO** is suspected of involvement in the abusive activity the matter should be reported to both **Child Safety Officers** who may take the matter directly to the executive of the **Board** if there is believed to be grounds for further investigation.

## Investigating

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

Whether or not the authorities decide to conduct an investigation, the Child Safety Officers 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 Child Safety Officers 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 Child Safety Officers 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 Child Safety Officers 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 a member of staff, contractor or a volunteer may have committed an offence or have breached the organisation's policies or its 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 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. Living Positive Victoria will have safeguards and practices in place to ensure any personal information is protected.

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

## Reviewing

Every two years, 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.

## Related Documents

- Risk Management Policy
- Responsible Conduct of Staff, Contractors and Volunteers Policy
- Board Member Induction Policy and Procedures
- Board Recruitment Policy and Procedures
- Social Media Policy
- Employee References Policy
- Staff Induction Policy, Staff Recruitment Policy
- Volunteer Management Policy.
- This policy must be read in conjunction with:

- The law of the Commonwealth and of the State of Victoria;
- The organisation's Code of Conduct;

## Authorisation



Brent Allen  
Chief Executive Officer