


Title:	Child Safe			
Section:	Governance	PRH:	Chief Executive Officer	

1. POLICY STATEMENT:

To ensure that Alexandra District Health (ADH) provides safe high quality health care and experiences to our consumers by actively following the Victorian Clinical Governance Framework and through its Consumer Participation Framework actively engage and partner with consumers.

To ensure all staff are responsible and accountable for safe and high quality care, and ADH continuous improvement will be informed by regular monitoring and evaluation of performance.

ADH 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.

ADH has zero tolerance for child abuse. Everyone working at ADH 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 ADH, all employees, workers, contractors, associates, and members of the ADH community.

ADH supports and respects all children, staff and volunteers. ADH 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. This policy is specific to protecting children from abuse while receiving services from ADH. It does not refer to the mandatory reporting of a child who has suffered, or who is likely to suffer significant harm from sexual abuse, physical injury, emotional or psychological harm, neglect or abandonment by a parent, carer or other person. If this is suspected refer to the Mandatory and Non Mandatory reporting of Child Abuse.

2. POLICY OUTCOME:


1. To facilitate the prevention of child abuse occurring within ADH.
2. To work towards an organisational culture of child safety.
3. To ensure that all staff/volunteers/contractors 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 occurring within or outside of the organisation (whilst ADH are providing services).
5. To provide a clear statement to staff/volunteers/contractors forbidding any such abuse.
6. To provide assurance that all suspected abuse shall be reported and fully investigated.

3. ROLES AND RESPONSIBILITIES:


All staff are responsible and accountable to know, understand and support each other to meet the requirements of the Victorian Clinical Governance Framework. All staff will be aware of the Consumer Participation Framework and actively engage and partner with consumers, demonstrate ownership and accountability for safe, quality care, and participate in regular evaluation and monitoring of performance to inform improvement.

Scope: ALL ADH Staff, Volunteers and Contractors

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Board of Directors	The Board of ADH in its governance role is responsible for ensuring that appropriate and effective internal control systems are in place to detect and prevent child abuse within the organisation. This includes ensuring that appropriate policies and procedures and Code of Conduct are in place.
Chief Executive Officer (CEO)	<ul style="list-style-type: none"> • Designated head of an organisation responsible for ensuring, on becoming aware of a reportable allegation against a worker or volunteer, the Commission for Children and Young People is notified within prescribed timeframes • Ensuring all reports of child abuse are dealt with and investigated as per reportable conduct scheme
Executive	<ul style="list-style-type: none"> • 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 ADH 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 safety responsibilities.
All Directors/Managers	<ul style="list-style-type: none"> • Are familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct; • Assess the risk of child abuse within their area of control and eradicate / minimise any risk to the extent possible, • Promote child safety at all times; • Educate employees about the prevention and detection of child abuse; and • Facilitate the reporting of any inappropriate behaviour or suspected abusive activities to the CEO and reportable conduct scheme, police and child protection
All staff / volunteers / contractors	<p>All staff/volunteers/contractors share in the responsibility for the prevention and detection of child abuse, and must:</p> <ul style="list-style-type: none"> • Familiarise themselves with the relevant laws, the Code of Conduct, and ADH's policy and procedures in relation to child safety, and comply with all requirements; • Provide an environment that is supportive of all children's emotional and physical safety; • Report – refer to the section in this policy on Reporting

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4. DEFINITIONS:

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 is a person who is under the age of 18 years.

Child safety in the context of the child safe standards, means measures to protect children from abuse.

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 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:

- 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”,
- 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

- 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

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5. PROTOCOL:

Employment of new Personnel

ADH 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 ADH values and commitment to protect children; and
- Prevent a person from working at ADH if they pose a risk to children.

ADH:

- requires all workers/volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with ADH.
- requires applicants to undergo police check in accordance with legislative requirements and ADH policy.
- requires staff to undergo a Working with Children Check as part of their conditions of employment in accordance with legislative requirements and ADH policy.
- undertakes thorough reference checks as per the Recruitment Selection and Appointments Policy.

As part of ADH employment conditions, staff, volunteers and contractors must review and acknowledge their understanding of the Child Safe Policy.

Risk Management:

ADH shall ensure that child safety is a part of its overall risk management approach and is included in relevant reporting to the Board of Directors.

Reporting:

Refer to the Mandatory and Non mandatory Reporting of Child abuse/concern


Reportable Conduct Scheme

The reportable conduct scheme focusses on worker and volunteer conduct and how to investigate and respond to allegations of suspected child abuse and to facilitate the identification of individuals who pose a risk of harm to children, but do not have a criminal record.

ADH has a responsibility to respond to a reportable allegation made against a worker or volunteer from their organisation, by ensuring that allegations are appropriately investigated.

Any allegations against a worker or volunteer of suspected child abuse must be immediately reported to the CEO. The CEO and relevant executive will then oversee the investigation, noting that any allegations which may involve criminal conduct must also be reported to the police. Any staff member, volunteer or contractor who has grounds to suspect abusive activity shall:

- Report any suspicion that a child's safety may be at risk to their manager (or, if their manager is involved in the suspicion, to their Director) and the CEO;
- After hours, report directly to the Executive on call who will then escalate to the CEO;
- Once notified the CEO is responsible for external reporting (see below).

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- Any staff member, who reasonably believes that the above process should be by-passed shall contact external reporting agencies directly (see below).
- Incident Report must be logged within Riskman (VHIMS) in line with ADH policy

External Reporting

Commission for Children and Young People-reporting requirements

Three business day notification

When the head of an organisation becomes aware of a reportable allegation against a worker or volunteer, they must notify the Commission for Children and Young People within three business days.

30 calendar day update

Within 30 calendar days after becoming aware of a reportable allegation, a head of an organisation must provide the Commission with detailed information about the allegation, disciplinary or other actions undertaken, and the response of the worker or volunteer to the allegation.

Advice on investigation

The allegation must be investigated as soon as practicable after the head of organisation becomes aware of it. The investigation may be conducted by the organisation, their regulator or an independent investigator. The head must inform the Commission of who will conduct the investigation.

Outcomes of investigation


At the conclusion of an investigation into a reportable allegation, a final investigation report must be prepared. The final investigation report should set out the findings, reasons for the findings and recommendations made at the conclusion of the investigation. A copy of the final investigation report should be provided to the Commission as soon as practicable.

How do I give the Commission information?

The Commission operate an online form for heads of organisations to notify of a reportable allegation, which guide the notification process. Supporting documentation can be submitted through the online form. The Commission requires that heads of organisations use the online form. If you are not the head of an organisation you can still tell the Commission about a reportable allegation by using the online form, calling or writing to the Commission.

What matters should be reported to Victoria Police?

All suspected criminal behaviour should be reported to Victoria Police by the executive or as delegated by the executive. If the reportable allegation involves suspected criminal behaviour, both Victoria Police and the Commission must be notified. If Victoria Police are going to investigate a reportable allegation, ADH must not begin or continue their own investigation but wait until police advice that its investigation has concluded or that a ADH investigation may be conducted simultaneously.

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Where to go for help

Contact the Commission for clarification and guidance, and to talk through any issues of concern.

- Telephone: 8601 5884 OR 1300782978
- Email: contact@ccyp.vic.gov.au

Further information is also available on the Commission for Children and Young People’s website at www.ccyp.vic.gov.au

Child Protection (if required)

During business hours – contact the Department of Health and Human Services appropriate local government area: East Division Intake 1300 360 391

Police


After hours and to report concerns about the immediate safety of a child: Victoria Police 000

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 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 cooperate fully with the investigation.
- Any such investigation shall 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.

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 shall also be reported to any external body as required.
- All personal information considered or recorded shall respect the privacy of the individuals involved unless there is a risk to someone’s safety. ADH shall 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 shall be done with it, and who will be able to access it.

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Reviewing

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

6. REFERENCES:

Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015
 Crimes Act 1958
 Crimes Amendment (Grooming) Act 2014
 Crimes Amendment (Protection of Children) Act 2014
 Reportable Conduct Scheme 2017

Commission for Children and Young People A guide for creating a child safe organisation Version 2.0 December 2015 <http://www.ccyp.vic.gov.au/downloads/creating-a-childsafe-organisation-guide.pdf>

Commission for Children and Young People. Accessed November 2019 from www.ccyp.vic.gov.au

Moore's Legal Pty Ltd Child Protection Toolkit January 2016 https://www.communitydirectors.com.au/files/ICDA/Child_Protection_Toolkit_2016_Online.pdf

Department of Health and Human Services, An overview of the Victorian Child Safe Standards, November 2015

7. RELATED DOCUMENTS:

ADH Policy – Mandatory and Non Mandatory Reporting of Child abuse/Concern

ADH Flow chart – Assessing for sign and symptoms Associated with Harm in Children

ADH policy – Family violence

ADH Policy – Recognising and Responding to Family Violence

ADH Policy Recruitment Selection and Appointment