

**1 Policy Statement**

Carlton Neighborhood Learning Centre (CNLC) is committed to the safety of children. Consistent with the Child Wellbeing and Safety Amendment (Child Safe Standards) Act of 2015, our organisation recognises the importance and responsibility of providing a safe, supporting and welcoming environment which respects and fosters the dignity and self-esteem of children.

CNLC is also committed to ensuring we meet the specific Child Wellbeing and Safety standards and requirements of all organisations with whom we have service agreements.

Our policy relates to all children aged 18 years or under and it is intended to protect children and young people including identifying, responding to and reporting abuse and harm. This includes abuse that has, or is suspected to have taken place within or outside CNLC grounds and hours. We understand our responsibilities to any under-age students and visiting children whilst at CNLC or at our events, programs and activities that are off site.

Mandatory reporters are certain classes of professionals, who are classified as mandatory reporters. At CNLC, staff who are Victorian registered teachers are currently mandated to report a reasonable belief that a child is in need of protection from physical and sexual abuse.

However, CNLC understands that the recent “failure to disclose” reform in Victorian legislation effectively makes all adults mandatory reporters in cases of sexual abuse of a minor under 16 years of age committed in Victoria.

This policy applies to the entire organisation.

**2 Responsible Persons**

<b>Who</b>	<b>What</b>
Committee of Governance	Overall, ultimate responsibility for the detection and prevention of child abuse; and for ensuring that appropriate and effective internal risk and control systems are in place. Endorse reviewed or new Policies
Delegated Sub-Committees	Review delegated Policies
Executive Officer	The EO is responsible for promoting child safety at all times; Responsible for dealing with and investigating reports of child abuse; ensuring that all staff, contractors, and volunteers are aware of relevant laws, child abuse risks, organisational policies and procedures; Maintain Policy Register
Registered Teachers	Mandated to report a reasonable belief that a child is in need of protection from physical and sexual abuse.
Staff, Contractors and Volunteers	Share in the responsibility for the prevention and detection of child abuse. As adults, are also mandatory reporters in cases of sexual abuse of a minor under 16 years of age.

### 3 Guiding Principles

#### 1. Our commitment to child safety

- Carlton Neighbourhood Learning Centre Inc (CNLC) is committed to child safety.
- We want children to be safe, happy and empowered whilst attending CNLC and child-connected work events, programs and activities that are off site.
- We support and respect all children, as well as our staff and volunteers.
- We are committed to the safety, participation and empowerment of all children.
- We have zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently with our policies and procedures.
- We have legal and moral obligations to contact authorities when we are worried about a child's safety, which we follow rigorously.
- CNLC is committed to preventing child abuse and identifying risks early and removing and reducing these risks.
- CNLC is committed to training and educating our Committee of Governance members, staff and volunteers on child abuse risks.
- CNLC has robust human resources and recruitment practices to reduce the risk of child abuse by new and existing Committee members, staff and volunteers. For child-connected work, CNLC will determine whether they will require WWC Checks for visitors and volunteers based on the nature of the person's interaction with children.
- We have specific policies and procedures in place that support our Committee of Governance members, staff and volunteers to achieve these commitments.

#### 2. Our children

This policy is intended to set out our understanding of responsibilities to any under-age students and visiting children whilst at CNLC or at our events, programs and activities that are off site.

We promote diversity and acceptance at CNLC, and people from all walks of life and cultural backgrounds are welcome. In particular, we:

- promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds
- ensure that children with a disability are safe and can participate equally.
- Promote the cultural safety, participation and empowerment of Aboriginal, Aboriginal and Torres Strait Islander children and Torres Strait Islander children

#### 3. Our staff and volunteers

This policy guides our staff and volunteers on how to behave with children at CNLC. All new employees, volunteers and clients will be provided with a copy of this policy as part of their induction.

All of our staff and volunteers must agree to abide by our CNLC Child Safe code of conduct which specifies the standards required when working with children.

#### 4. Legislative responsibilities

CNLC takes its legal responsibilities seriously, including:

- **Mandatory reporting:** Mandatory reporters are certain classes of professionals, who are classified as mandatory reporters. At CNLC, staff who are Victorian registered teachers are currently mandated to report a reasonable belief that a child is in need of protection from physical and sexual abuse.
- **Failure to disclose:** The recent "failure to disclose" reform in Victorian legislation effectively makes all adults mandatory reporters in cases of sexual abuse of a

minor under 16 years of age committed in Victoria, with an obligation to report that information to Victoria Police.

- Failure to protect: People of authority in our organisation will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so
- Reportable conduct: The head of our organisation must be made aware of any allegations of physical and sexual abuse, sexual misconduct, significant emotional or psychological harm or significant neglect by an employee, volunteer, or any other person towards a child. Reporting is to be made to appropriate authorities such as Victorian Police and Department of Health and Human Services (DHHS) Child Protection. We are also legally required to notify the Commission for Children and Young People of the allegation. If the reportable allegation involves suspected criminal behaviour, both Victoria Police and the Commission must be notified.
- Duty of care: If a child is abused by an individual associated with our organisation, our organisation is presumed to have breached its duty of care unless it can prove that it took 'reasonable precautions' to prevent the abuse in question. For more information, please refer to the [new organisational duty of care to prevent child abuse page](#) on the Department of Justice and Regulation's website.

5. Risk Management

In Victoria, organisations are required to protect children when a risk is identified. In addition to general occupational health and safety risks, we proactively manage risks of abuse to our children.

We have risk management strategies in place to identify, assess, and take steps to minimise child abuse risks which include risks posed by physical environments and online environments.

6. Allegations, concerns and complaints

CNLC takes all allegations seriously and has practices in place to investigate thoroughly and quickly.

We work to ensure all children, families, Committee members, staff and volunteers know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour.

We all have a responsibility to report an allegation of abuse if we have a reasonable belief that an incident took place. If an adult has a reasonable belief that an incident has occurred then they must report the incident.

Factors contributing to reasonable belief may include:

- a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves)
- behaviour consistent with that of an abuse victim is observed
- someone else has raised a suspicion of abuse but is unwilling to report it
- observing suspicious behaviour.

7. Privacy

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be staff, volunteers, families or children, unless there is a risk to someone's safety. Everyone is entitled to know how this information is recorded, what will be done with it and who will have access to it. This is intended to

---

---

protect reporters and to ensure that all members of CNLC are comfortable to disclose any allegations or concerns in relation to child safety without repercussions.

8. Regular review

This policy will be reviewed every two years and following significant incidents if they occur.

---

#### 4 Key Definitions

**Child Abuse:** Under the Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015, child abuse includes the following categories of abuse:

1. Physical Violence
2. Sexual offenses
3. Serious emotional or psychological abuse
4. Serious Neglect
5. Bullying

Detailed recognised definitions of child abuse can be found at **Appendix 1**.

Contact Details for Reporting Child Abuse can be found at **Appendix 2**.

**Child-connected work:** Child-connected work is the term used in Ministerial Order 870 — Child Safe Standards. It is defined as work:

- authorised by the principal, school council or Department
- performed by an adult in a school environment, including online, school camps and excursions, and
- when children are present or reasonably expected to be present

**Child-related work:**

- involves an adult working with children in paid and unpaid work having direct contact with children, including physical, face-to-face, written, verbal, online or phone contact, and
- the contact is a usual part of the person's duties and is not occasional or incidental to their work
- Under the Worker Screening Act 2020 (the Act) if you're doing child-related work in Victoria and are not otherwise exempt under the Act, you must have a WWC Check even if you already have a Police Check.

**WWC Check (WWCC):** Working with Children Checks are required by law, under the Worker Screening Act 2020 (Vic), only for people who engage in child-related work, unless an exemption applies (as noted below).

The Working with Children Check (WWCC) helps protect children from physical and sexual harm. It does this by screening people's criminal records and professional conduct and preventing those who pose an unjustifiable risk to children from working with or caring for them.

An activity may be 'child-related work' regardless of whether the contact with a child is supervised by another person or not. This means even if a volunteer or visitor is supervised by a teacher, they must still have (and provide evidence of) a WWC Check if they are doing 'child-related work'.

A WWC Check is not legally required if the person:

- qualifies for an exemption (for example, Victorian Institute of Teaching (VIT) registered teacher, police officer, parent whose child is participating or normally

**CHILD SAFE POLICY**

participates in the activity, or a person working with a child who is closely related to them)

- is supervising a student in practical training organised by their educational institution
- takes part in an activity with a child in the same way that a child participates for example, as other players in a chess or rowing team.

**5 Relevant legislation, regulatory guidelines and rules**

- Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (VIC)
- The Worker Screening Act 2020 (VIC)
- National Principles for Childsafe Organisations © Australian Human Rights Commission 2018.
- Children Youth and Families Act 2005 section 182 (1) and 184 (VIC)
- The Crimes Amendment (Grooming) Act 2014 (VIC)
- Australian Charities and Not-for-profits Commission (ACNC) Governance Standards
- Victorian Registration and Qualifications Authority (VRQA) Guidelines for Vocational and Education Training (VET) providers 2019 (and or as updated)
- The Privacy and Data Protection Act 2014 (VIC)
- Crimes Act 1958 (VIC) (section 81)
- Disability Discrimination Act 1992(Cth)
- Disability Act 2006 (Vic) - Staff must be aware of their responsibilities and requirements in relation to persons under 18 years of age
- Occupational Health & Safety Act 2004 (Vic)
- Occupational Health & Safety Act Regulations 2017 (Vic)
- Work Health and Safety (WHS) Act 2011 (Cth)
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Multicultural Victoria Act 2004 (Vic)
- Racial Discrimination Act 1975 (Cth).
- Racial and Religious Tolerance Act 2001 (Vic);
- Human Rights and Equal Opportunity Commission Act 1986 (Cth).
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Age Discrimination Act 2004 (Cth)
- CNLC Rules

**6 Related policies & procedures & documents**

- CNLC Policy Register
- CNLC Child Safe procedures
- CNLC Child Safe Code of Conduct
- Recruitment and Selection policy
- Staff Induction Policy
- Volunteer Induction policy
- Workplace Health and Safety policy
- Critical Incident and Emergency Management policy
- Complaints and Appeals policy
- Complaints and Appeals procedure
- Duty of Care policy
- Access, Equity & Diversity policy
- Privacy Policy

**Appendix 1: Definitions of Child Abuse**

Under the Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015, child abuse includes the following categories of abuse.<sup>1</sup>

**1. Physical Violence**

Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways, including beating, shaking, burning or use of weapons (such as, belts and paddles).

Possible physical indicators include:

- Unexplained bruises
- Burns and/or fractured bones

Possible behavioural indicators include:

- Showing wariness or distrust of adults
- Wearing long sleeved clothes on hot days (to hide bruising or other injury)
- Fear of specific people
- Unexplained absences
- Academic problems

**2. Sexual offences**

Sexual offences occur when a person involves the child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to his/her age and development. Child sexual abuse can involve a range of sexual activity including fondling, masturbation, penetration, voyeurism and exhibitionism. It can also include exposure to or exploitation through pornography or prostitution, as well as grooming behaviour. There are two main categories:

Contact	Non Contact
<ul style="list-style-type: none"> <li>• Touched and fondled in genital area</li> <li>• Forced to touch another person’s genital areas</li> <li>• Kissed or held in sexual manner</li> <li>• Forced to perform oral sex</li> <li>• Vaginal or anal intercourse</li> <li>• Vaginal or anal penetration with object or finger</li> </ul>	<ul style="list-style-type: none"> <li>• Obscene calls/obscene remarks in electronic or written communication</li> <li>• Voyeurism</li> <li>• Exposed to or photographed for pornography</li> <li>• Sexually intrusive questions or comments</li> <li>• Forced to self masturbate or watch others masturbate</li> <li>• Indecent exposure</li> </ul>

<sup>1</sup> These definitions are based on the Victorian [Child Protection Practice Manual](http://www.dhs.vic.gov.au/cpmanual/practice-context/child-protection-program-overview/1008-abuse-and-harm-legal-and-practice-definitions): <[www.dhs.vic.gov.au/cpmanual/practice-context/child-protection-program-overview/1008-abuse-and-harm-legal-and-practice-definitions](http://www.dhs.vic.gov.au/cpmanual/practice-context/child-protection-program-overview/1008-abuse-and-harm-legal-and-practice-definitions)>

Possible physical indicators include:

- Presence of sexually transmitted diseases
- Pregnancy
- Vaginal or anal bleeding or discharge

Possible behavioural indicators include:

- Displaying sexual behaviour or knowledge that is unusual for the child's age
- Difficulty sleeping
- Being withdrawn
- Complaining of headaches or stomach pains
- Fear of specific people
- Showing wariness or distrust of adults
- Displaying aggressive behaviour

### **3. Serious emotional or psychological abuse**

Serious emotional or psychological abuse occurs when harm is inflicted on a child through repeated rejection, isolation, or by threats or violence. It can include derogatory name-calling and put-downs, or persistent and deliberate coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological abuse could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

Possible physical indicators include:

- Delays in emotional, mental, or even physical development
- Physical signs of self-harming

Possible behavioural indicators include:

- Exhibiting low self-esteem
- Exhibiting high anxiety
- Displaying aggressive or demanding behaviour
- Being withdrawn, passive and/or tearful
- Self-harming

### **4. Serious Neglect**

Serious neglect is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or is likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life threatening situations.

Possible physical indicators include:

- Frequent hunger

- Malnutrition
- Poor hygiene
- Inappropriate clothing

Possible behavioural indicators include:

- Stealing food
- Staying at school outside of school hours
- Aggressive behaviour
- Misusing alcohol or drugs
- Academic issues

## 5. Bullying

Bullying is an ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm. It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening.

Bullying can happen in person or online, via various digital platforms and devices and it can be obvious (overt) or hidden (covert). Bullying behaviour is repeated, or has the potential to be repeated, over time (for example, through sharing of digital records).

Bullying of any form or for any reason can have immediate, medium and long-term effects on those involved, including bystanders. Single incidents and conflict or fights between equals, whether in person or online, are not defined as bullying.

CNLC acknowledges that bullying may sometimes occur in child and youth-oriented programs and can cause enormous distress to children. Children who are bullied may run away from home or school, become frightened, withdrawn and miserable, and attempt suicide. The notion that bullying is just one of life's challenges to be faced and conquered can be very disempowering for the victim, adding to their already great sense of isolation and vulnerability. When bullying is not addressed victims may learn to feel worthless, to feel that it is their fault for not coping with the bully, that they can never win, and to live in fear. Equally as destructive are the messages learned by the bully when their behaviour is minimized or ignored.

## **Appendix 2: Contact Details for Reporting suspected or known Child Abuse**

**Child Abuse should be reported to one or all of the following authorities**

- Child Protection – DHHS Services

Phone: 1300 664 977 (Northern & Western Region Division Intake)

After Hours Child Protection Crisis Line: 131 278

<https://services.dffh.vic.gov.au/child-protection>

- If a child is in immediate danger – call Victoria Police 000

In Victoria, as the first priority, it is also mandatory for all adults to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16.

APPROVED