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# Child Safety Handbook

## Connecting Country (Mount Alexander Region) Inc

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# 1. Victorian Child Safe Standards - Statement of Commitment

## Connecting Country (Mount Alexander Region) Inc

Connecting Country is committed to promoting and protecting the interests and safety of children. Everyone working at Connecting Country is responsible for the care and protection of children and reporting information about child abuse.

We want children to be safe, happy and empowered. We support and respect all children, as well as our staff and volunteers. We support and respect all children, as well as our staff and volunteers. We are committed to the cultural safety of Aboriginal children, the cultural safety of children from a culturally and/or linguistically diverse background, and to providing a safe environment for children with a disability.

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 robust 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.

Our organisation is committed to preventing child abuse and identifying risks early, and removing and reducing these risks.

Our organisation has robust human resources and recruitment practices for all staff and volunteers.

Our organisation is committed to regularly training and educating our staff and volunteers on child abuse risks.

We have specific policies, procedures and training in place that support our leadership team (i.e., the Committee of Management), staff and volunteers to achieve these commitments. These are reviewed on an annual frequency as a minimum, and more regularly as required. We also ensure that relevant contractors and other relevant suppliers of services engaged by Connecting Country have appropriate Child Safe Standards in place within their organisations.

*Endorsed by the Connecting Country Committee of Management – 22 December 2017*

*Formally ratified by the Connecting Country Committee of Management – 28 January 2017*

## 2. Code of Conduct

### CODE OF CONDUCT FOR EMPLOYEES, VOLUNTEERS AND CONTRACTORS WORKING WITH CHILDREN AND YOUNG PEOPLE

Committee members, staff, volunteers and contractors at Connecting Country are required to abide by this Code.

Under the direction of the Connecting Country Committee of Management, the Directors' will:

1. Be responsible for the overall welfare and wellbeing of staff and volunteers;
2. Be accountable for managing and maintaining a duty of care towards staff and volunteers; and
3. Nominate a Child Protection Officer to provide information and support to all staff, volunteers, children, young people and their carers regarding child protection matters.

All people involved in the care of children on behalf of Connecting Country will:

1. Work towards the achievement of the aims and purposes of the organisation;
2. Be responsible for relevant administration of programs and activities in their area;
3. Maintain a duty of care towards others involved in these programs and activities;
4. Establish and maintain a child-safe environment in the course of their work;
5. Be fair, considerate and honest with others;
6. Treat children and young people with respect and value their ideas and opinions;
7. Act as positive role models in their conduct with children and young people;
8. Be professional in their actions;
9. Maintain strict impartiality;
10. Comply with specific organisational guidelines on physical contact with children;
11. Respect the privacy of children, their families and teachers/carers, and only disclose information to people who have a need to know;
12. Maintain a child-safe environment for children and young people;
13. Operate within the policies and guidelines of Connecting Country; and
14. Contact the police if a child is at immediate risk of abuse (telephone 000).

No person shall:

1. Shame, humiliate, oppress, belittle or degrade children or young people;
2. Unlawfully discriminate against any child;
3. Engage in any activity with a child or young person that is likely to physically or emotionally harm them;
4. Initiate unnecessary physical contact with a child or young person, or do things of a personal nature for them that they can do for themselves;

5. Be alone with a child or young person unnecessarily and for more than a very short time;
6. Develop a 'special' relationship with a specific child or young person for their own needs;
7. Show favouritism through the provision of gifts or inappropriate attention;
8. Arrange contact, including online contact, with children or young people outside of the organisation's programs and activities;
9. Photograph or video a child or young person without the consent of the child and his/her parents or guardians;
10. Work with children or young people while under the influence of alcohol or illegal drugs;
11. Engage in open discussions of a mature or adult nature in the presence of children;
12. Use inappropriate language in the presence of children; or
13. Do anything in contravention of the organisation's policies, procedures or this Code of Conduct.

### **What happens if you breach this Code of Conduct**

If you breach this Code of Conduct you will face disciplinary action, including and up to termination of employment or cessation of engagement with the organisation.

## 3. Child Protection Policy

### 3.1. Introduction

Connecting Country is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse.

Everyone working at Connecting Country is responsible for the care and protection of children and reporting information about child abuse.

### 3.2. Purpose

The purpose of this policy is

1. To facilitate the prevention of child abuse occurring within Connecting Country.
2. To work towards an organisational culture of child safety.
3. To prevent child abuse within Connecting Country.
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 staff/volunteers/contractors 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 staff/volunteers/contractors forbidding any such abuse.
7. To provide assurance that any and all suspected abuse will be reported and fully investigated.

### 3.3. Policy

Connecting Country 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.

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

Connecting Country will consider the opinions of children and use their opinions to develop child protection policies.

Connecting Country supports and respects all children, staff and volunteers. Connecting Country 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.

## 4. Child Protection Procedures

### 4.1. RESPONSIBILITIES

The **Connecting Country Committee of Management** 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 Committee of management is also responsible for ensuring that appropriate policies and procedures and a Child Protection Code of Conduct are in place.

The **Directors'** of Connecting Country 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 Connecting Country 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**<sup>1</sup> 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.

Managers 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 Connecting Country's policy and procedures in relation to child protection, and comply with all requirements;

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<sup>1</sup> A 'manager' is defined as a staff member who is responsible for the management other staff / volunteers / contractors. This role may be as a permanent manager of other staff, or as a temporary manager of others on a particular project or activity.

- 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 as mandatory reporters;
- 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); and
- Provide an environment that is supportive of all children’s emotional and physical safety.

## 4.2. 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. 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 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.

### **4.3. EMPLOYMENT OF NEW PERSONNEL**

Connecting Country 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 Connecting Country's values and commitment to protect children; and
- Prevent a person from working at Connecting Country if they pose a risk to children.

Positions Descriptions for roles within Connecting Country will note the organisations commitment to the Victorian Child Safe Standards, and has zero tolerance for child abuse.

Connecting Country requires all workers/volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with Connecting Country.

Connecting Country may require applicants to provide a police check in accordance with the law and as appropriate, before they commence working at Connecting Country and during their time with Connecting Country at regular intervals.

Connecting Country will undertake thorough reference checks as per the approved internal procedure. Working with Children Checks will also be undertaken.

Once engaged, workers/volunteers must review and acknowledge their understanding of the organisation's Child Protection Policies, Procedures and Code of Conduct.

### **4.4. RISK MANAGEMENT**

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

The Connecting Country Committee of Management will undertake periodic reviews to identify and manage risks at Connecting Country. Where relevant, Committee members (and staff and volunteers) will receive training in relation to child safety to assist in this process.

## 4.5. 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 their supervisor about their concern.

In situations where the supervisor 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 the next highest level of supervision.

Supervisors must report complaints of suspected abusive behaviour or misconduct to one or both of the Directors and also to any external regulatory body such as the police. The police should always be contacted when there is believed to be immediate danger to a child.

Where the danger is not immediate, other relevant bodies in Victoria include:

- The Victorian Department of Health and Human Services (North-western Rural and Regional – phone 1800 675 598 during business hours, and after hours to the Child Protection Crisis Line phone 13 12 78).
- The Victorian Police Sexual Offences and Child Abuse Investigation Team (Western Victoria – 03 5448 1420).

Every state and territory has enacted legislation prescribing both mandatory and voluntary reporting obligations. It's essential that all managers are on top of all applicable laws to ensure that all employees, contractors and volunteers are aware of their obligations.

The **mandatory** reporting obligations for Victoria and the Commonwealth are summarised below<sup>2</sup>. The *Crimes Act 1958* is directly relevant to the activities of Connecting Country.

Legislation	Mandated Reporters	When must a report be made?	Who is a child?
<i>Crimes Act 1958 (Vic)</i>	Any person 18 years or older	A mandated reporter <u>must</u> make a report if t they form a reasonable belief that a sexual offence has been committed in Victoria against a child by another person of or over the age of 18 years.  NB: exceptions may apply.	A person under 16 years old

<sup>2</sup> These mandatory and voluntary reporting obligations are from the following document - *Our Community Pty Ltd & Moores (2016), 'Child Protection Toolkit: What every not-for-profit organisation must do NOW'. Published by Our Community Pty Ltd, Melbourne, Victoria, Australia.*

Legislation	Mandated Reporters	When must a report be made?	Who is a child?
<i>Children, Youth and Families Act 2005 (Vic)</i>	<ul style="list-style-type: none"> <li>* Registered medical practitioners, midwives and registered nurses</li> <li>* Teachers registered or granted permission to teach under the <i>Education, Training and Reform Act 2006</i></li> <li>* Principals</li> <li>* Police</li> </ul>	<p>A mandated reporter must make a report if:</p> <ul style="list-style-type: none"> <li>* They form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse;</li> <li>* The parents cannot or will not protect the child; and</li> <li>* The belief is formed in the course of practising his/her position of employment.</li> </ul> <p>NB: exceptions may apply.</p>	A person under 17 years old
<i>Family Law Act 1975 (Cth)</i>	<ul style="list-style-type: none"> <li>* the Registrar or a Deputy Registrar of a Registry of the Family Court of Australia;</li> <li>* the Registrar or a Deputy Registrar of the Family Court of Western Australia;</li> <li>* a Registrar of the Federal Circuit Court of Australia;</li> <li>* a family consultant;</li> <li>* a family counsellor;</li> <li>* a family dispute resolution practitioner;</li> <li>* an arbitrator; or</li> <li>* a lawyer independently representing a child's interests.</li> </ul>	<p>A mandated reporter must make a report if, in the course of performing their duties, functions or powers, they have reasonable grounds for suspecting that:</p> <ul style="list-style-type: none"> <li>* a child has been abused; or</li> <li>* a child is at risk of being abused.</li> </ul>	A person under 18 years old

Under the *Crimes Act 1958* – for which all people 18 years or older are considered mandatory reporters - the penalty for ‘failure to disclose’ a reasonable belief that an offense against a child has occurred can include imprisonment. Similarly under this Act, for people holding a position of authority within an organisation<sup>3</sup>, the penalty for a negligent ‘failure to protect’ a child from the risk of sexual abuse also includes imprisonment.

Under the *Children Youth and Families Act 2005 (Vic)* – which has a more restricted list of mandatory reporters, as outlined in the table above – the penalty for failure to disclose includes fines.

<sup>3</sup> A good test of whether a person is considered to be in a position of authority is to ask the question ‘Does the person have power or responsibility to reduce or remove the risk?’

Voluntary reporting is not legally required to be included in our policies and procedures, however it included here as it can help us to prevent and respond to cases of child abuse and neglect. Relevant **voluntary** reporting legislation are summarised below.

Legislation	Voluntary Reporters	When can a report be made?	Who is a child?
<i>Children, Youth and Families Act 2005 (VIC)</i>	Any person	A voluntary reporter may make a report if the person has a significant concern on reasonable grounds for the wellbeing of a child.	A person under 17 years old
<i>Family Law Act 1975 (Cth)</i>	<ul style="list-style-type: none"> <li>* the Registrar or a Deputy Registrar of a Registry of the Family Court of Australia;</li> <li>* the Registrar or a Deputy Registrar of the Family Court of Western Australia;</li> <li>* a Registrar of the Federal Circuit Court of Australia;</li> <li>* a family consultant;</li> <li>* a family counsellor;</li> <li>* a family dispute resolution practitioner;</li> <li>* an arbitrator; or</li> <li>* a lawyer independently representing a child's interests.</li> </ul>	<p>A voluntary reporter may make a report if, in the course of performing their duties, functions or powers, they have reasonable grounds for suspecting that a child:</p> <ul style="list-style-type: none"> <li>* has been ill treated, or is at risk of being ill treated; or</li> <li>* has been exposed, or is at risk of being exposed to behaviour which psychologically harms the child.</li> </ul>	A person under 18 years old

It is notable that under the *Children Youth and Families Act 2005 (Vic)*:

- Reporters (mandatory and voluntary) are protected
- Reporting cannot constitute unprofessional conduct (if made in good faith)
- Reporter not subject to any liability
- Reporter may be required to give evidence in a legal proceeding.

#### 4.6. 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 Director(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 Director(s) 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 Director(s) 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 Director(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.

#### **4.7. 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.

#### **4.8. PRIVACY**

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. Connecting Country 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.

#### **4.9. REVIEWING**

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

## 4.10. RELATED DOCUMENTS

- Personal Conduct Policy (Chapter 1 in Human Resources [HR] Manual)
- Recruitment Policy (Chapter 2 in HR Manual)
- Privacy Policy (chapter 4 in HR Manual)
- Induction for New Starters Policy (chapter 5 in HR Manual)
- Training Policy (Chapter 6 in HR Manual)
- Equal Opportunity Employment Policy (chapter 9 in HR Manual)
- Grievances Policy (chapter 12 in HR Manual)
- Employee Performance Management Policy and Employee Performance Improvement Policy (chapters 15 and 16 in HR Manual)
- End of Employment Policy (Chapter 17 in HR Manual)
- Volunteer Policy (chapter 21 in HR Manual)

Connecting Country's Child Safe Policy and Procedures must also be read in conjunction with the law of the Commonwealth and Victoria.

## Appendix 1: The Victorian Child Safe Standards

To create and maintain a child safe organisation, Connecting Country must have and apply the following Victorian Child Safe Standards:

1. Strategies to embed an organisational culture of child safety, including through effective leadership arrangements
2. A child safe policy or statement of commitment to child safety
3. A code of conduct that establishes clear expectations for appropriate behaviour with children
4. Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel
5. Processes for responding to and reporting suspected child abuse
6. Strategies to identify and reduce or remove risks of child abuse
7. Strategies to promote the participation and empowerment of children

In late 2016, the Victorian Government passed the *Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Act 2016*. This Act provides the Commission for Children and Young People with power to enforce compliance with the Victorian Child Safe Standards. This can include:

- Requesting information from organisations;
- Conducting site visits (sometimes without notice); and
- Taking the non-compliant organisations to court.

It is understood that the Commission will initially take an educative approach to the Standards.

## Document History

Version 1.01. Developed as a draft on 17 January 2017 by a Connecting Country Director (Chris Timewell) for consideration by the Committee of Management and staff. Note: The Statement of Commitment had been endorsed by the Connecting Country Committee of Management on 22 December 2016. Handbook endorsed by the Committee of Management on 28 January 2017.