

# Child Safety Policy

**VMCH takes a zero-tolerance approach to child abuse and is fully committed to ensuring that its strategies, policies, procedures and practices meet all Child Safety Standards as specified in Ministerial Order No. 460 (2018) and the National Catholic Safeguarding Standards.**

Children and young people have the right to feel safe and be safe from sexual, physical, psychological and emotional abuse or neglect. This policy has been developed in accordance with the *Child Wellbeing and Safety Act 2005 (Vic)* to ensure compulsory child safe standards are implemented within Villa Maria Catholic Homes (VMCH) to protect children and young people from harm.

This policy has a specific focus on safeguarding children and young people in any VMCH Community & Disability service against sexual, physical, psychological and emotional abuse or neglect, but it also applies across the entire organisation. It has been developed in accordance with the Victorian Government's Child Safe Standards as well as the National Catholic Safeguarding Standards, to demonstrate our commitment to the safety of the children and young people who participate in our programs or otherwise access our services.

## 1. Purpose and Commitment

VMCH is fully committed to child safety:

- We want children and young people that access our services to be safe, happy and empowered. We support and respect all children, as well as our staff and volunteers.
- We have zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently with our clear 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.
- VMCH is committed to preventing child abuse and identifying risks early and removing and reducing these risks.
- We have excellent human resources and recruitment practices for all staff and volunteers.
- VMCH is committed to regularly training and educating our staff and volunteers on child abuse risks.
- We support and respect all children that access our services, 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 all children living with a disability.
- We have specific policies, procedures and training in place that support our leadership team, staff and volunteers to achieve these commitments.

**If we believe a child is at immediate risk of abuse we will phone 000.**

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Approved By Natalina Velardi, General  
Counsel & GM Governance  
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## 2. Responsibilities

**The Board of VMCH** has ultimate oversight and responsibility for the safety of children and is reflected in the VMCH Risk Appetite and Enterprise Risk Framework. The Board is responsible for ensuring that appropriate policies and procedures exist, a culture of reporting and a Child Safe Code of Conduct is in place.

**The CEO** of VMCH is 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 Child Safe - Code of Conduct;
- Ensuring that all adults within the VMCH community are aware of their obligation to report suspected 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 Child Safe - Code of Conduct;
- Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities;
- Within a reasonable time, advising the Board on detection and/or investigation where appropriate.

**All managers** must ensure that they:

- Promote child safety at all times;
- Assess the risk of child abuse within their area of control and eradicate or 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.

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 the responsibility for the prevention and detection of child abuse, and must:

- Familiarise themselves with the relevant laws, the Child Safe - Code of Conduct, and VMCH's policy and procedures in relation to child safety, and comply with all requirements;
- Report any reasonable belief that a child's safety is at risk to the relevant authorities (such as the police and/or the Department of Health and Human Services (DHHS)) and fulfil their obligations as mandatory reporters;
- Report any suspicion that a child's safety may be at risk to their supervisor or manager (or, if their supervisor or manager 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.

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### 3. Definitions of Terms and Abbreviations

Term	Definition
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, or other exploitation of a child and includes any actions that results in actual or potential harm to a child.
Reasonable belief	<p>is a belief based on reasonable grounds (see below) 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.</p> <p>A reasonable belief is formed if a reasonable person believes that:</p> <ul style="list-style-type: none"><li>• the child is in need of protection,</li><li>• the child has suffered or is likely to suffer “significant harm as a result of physical injury,” or</li><li>• the parents are unable or unwilling to protect the child.</li></ul> <p>A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof but is more than mere rumour or speculation.</p> <p>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:</p> <ul style="list-style-type: none"><li>• a child states that they have been physically or sexually abused;</li><li>• a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);</li><li>• someone who knows a child states that the child has been physically or sexually abused;</li><li>• 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</li><li>• signs of abuse lead to a belief that the child has been physically or sexually abused.</li></ul>

#### 4. Children

This policy is intended to empower children who access our services, who are vital and active participants at VMCH. We involve them when making decisions, especially about matters that directly affect them. We listen to their views and respect what they have to say.

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

- promote the cultural safety, participation and empowerment of Aboriginal children;
- promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds; and
- ensure that children with social, emotional, behavioural disorders are safe and can participate equally.

#### 5. Staff and volunteers

This policy guides our staff and volunteers on how to behave with children at VMCH.

All of our staff and volunteers must agree to abide by our Child Safe - Code of Conduct which specifies the standards of conduct required when working with children. Staff and volunteers, as well as children and their families, are given the opportunity to contribute to the development of the Child Safe - Code of Conduct.

#### 6. Professional learning and supervision

Professional learning and supervision is important to ensure that everyone at VMCH understands that child safety is everyone's responsibility.

The culture at VMCH aims for all staff and volunteers (in addition to parents/carers and children), to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. Staff and volunteers are trained to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse.

We also support our staff and volunteers through ongoing supervision and mandatory online training to: develop their skills to protect children from abuse; and promote the cultural safety of Aboriginal children, the cultural safety of children from linguistically and/or diverse backgrounds, and the safety of all children living with a disability. Directors are also required to undertake online training in this area.

New employees and volunteers are supervised carefully to ensure that they understand VMCH's commitment to child safety and that everyone has a role to play in protecting children from abuse, as well as checking that their behaviour towards children is safe and appropriate (please refer to VMCH's Child Safe - Code of Conduct for further detail). Any inappropriate behaviour is reported through appropriate channels, including DHHS and Victoria Police, depending on the severity and urgency of the matter.

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## 7. Recruitment

VMCH undertakes a comprehensive recruitment and screening process for all workers and volunteers that 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 VMCH's values and commitment to protect children; and
- prevent a person from working at VMCH if they pose a risk to children.

We develop selection criteria and advertisements which clearly demonstrate our commitment to child safety and an awareness of our social and legislative responsibilities. VMCH understands that when recruiting staff and volunteers we have ethical as well as legislative obligations.

We actively encourage Aboriginal children, children from culturally and/or linguistically diverse backgrounds and all children living with a disability to access our services.

All people engaged in child-related work, including volunteers, are required to hold a Working with Children Check and to provide evidence of this Check to VMCH.

VMCH carries out reference checks and police record checks to ensure that we are recruiting excellent staff. Police record checks are used only for the purposes of recruitment and are discarded after the recruitment process is complete. We do retain our own records (but not the actual criminal record) if an applicant's criminal history affected our decision-making process.

If during the recruitment process a person's records indicate a criminal history, then the person will be given the opportunity to provide further information and context.

## 8. Fair procedures for personnel

The safety and wellbeing of children who access our services is our primary concern. We are also fair and just to personnel. The decisions we make when recruiting, assessing incidents, and undertaking disciplinary action will always be thorough, transparent, and based on evidence.

We record all allegations of abuse and safety concerns, including investigation updates. All records are securely stored.

If an allegation of abuse or a safety concern is raised, we provide updates to children and families on progress and any actions that VMCH can take.

## 9. Privacy

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be staff, volunteers, parents or children, unless there is a risk to someone's safety, or it is otherwise required to be disclosed in accordance with any applicable privacy legislation or other law.

We have safeguards and practices in place to ensure any personal information is protected.

Everyone is entitled to know how this information is recorded, what will be done with it, and who will have access to it.

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## 10. Risk management

In Victoria, organisations are required to protect children when a risk is identified (see information about failure to protect above). In addition to general occupational health and safety risks, we proactively manage risks of abuse to children who access our services.

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 (for example, any doors that can lock), and online environments (for example, no staff or volunteer is to have contact with a child on social media).

We have an audit program to review our child safe requirements and under this policy; particularly in areas where VMCH has greater interaction with children.

## 11. Allegations, concerns and complaints

VMCH takes all allegations seriously and has practices in place to investigate thoroughly and quickly. Our staff and volunteers are trained to deal appropriately with allegations.

We work to ensure all children, families, 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 (see information about failure to disclose below).

## 12. Reporting

### Legislative responsibilities

VMCH takes its legal responsibilities seriously, including:

1. **Failure to disclose:** Reporting child sexual abuse is a community-wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police.
2. **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.
3. Any personnel who are **mandatory reporters** must comply with their duties.

Any staff member, volunteer or contractor who has a reasonable belief of abusive activity must immediately notify the DHHS and/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 the CEO and also to any external regulatory body such as the police, DHHS Child Protection Unit, the Commission for Children and Young People, DHHS CIMS, DET, NDIS Quality and Safeguards

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Commission (where relevant). See the Child Safe – Reporting Procedure for further information on which external bodies to report to and when.

### 13. Investigating

If DHHS or the police decide to investigate a 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, or their nominated representative, 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 co-operate fully with the investigation.

Any such investigation will 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.

### 14. 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 Child Safe - Code of Conduct the person concerned may be suspended 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 Child Safe - 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.

### 15. Policy review

This policy will be reviewed every three years and following significant incidents if they occur. We will ensure that families and children have the opportunity to contribute. Where possible we do our best to work with local Aboriginal communities, culturally and/or linguistically diverse communities and children living with a disability.

### 16. Related Internal Documents

Child Safe – Code of Conduct

[Child Safe – Reporting Procedure Community and Disability](#)

[Managing Poor Performance and Unacceptable Behaviour Procedure](#)

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[Safeguarding Individuals Policy](#)

[Code of Conduct](#)

**17. Key Legislation, Acts, Standards**

Children, Youth and Families Act 2005

Crimes Act 1958

Child Wellbeing and Safety Act 2005 (Vic)

Child Safe Standards contained in Ministerial Order No. 460 (2018)

National Catholic Safeguarding Standards

NDIS Act 2013

Victorian ECI Standards 2016

NDIS National Quality and Safeguarding Framework

Victorian Disability Safeguards Code of Conduct

The United Nations Convention on the Rights of the Child

Victorian Reportable Conduct Scheme

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