



CHILD SAFE PROCEDURES

PURPOSE

These procedures outline how Skillinvest staff ensure conformity with Skillinvest's Child Safe Policy and Statement of Commitment and therefore the Child Safe Standards.

DEFINITIONS

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

Child Abuse means any act committed against a child involving a sexual offence or an offence under section 49B(2) of the *Crimes Act 1958* or the infliction on a child of physical violence, serious emotional harm, or the serious neglect of a child.

Child Safe Standards as made under section 17(1) of the *Child Wellbeing and Safety Act 2005*.

Failure to Disclose is defined in the Crimes Act 1958 (Vic) as a failure to act on the legal obligation upon all adults to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult (18 years and over) against a child under the age of 16 (16 being the legal age of consent).

Failure to Protect is defined in the Crimes Act 1958 (Vic) as a person with power and authority who fails to protect a child from criminal sexual abuse, they know of the risk of abuse, and are able to reduce or remove the risk but fail to do so.

Grooming is the means by which a person creates or exploits opportunities to safely engage in sexual contact with a particular child or children. Grooming behaviour typically involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviours. Grooming is not a single act of unprofessional or inappropriate conduct, but rather a pattern of behaviour where the trust of a child is gained and a 'special relationship' is developed between the adult and the child. Grooming involves making the child feel important and special, often by giving the child extra attention, privileges and gifts. In many cases, the child's family is engaged by the adult to gain access to the child outside of school hours and the child is encouraged to see the adult as a friend. In Victoria, the grooming offence includes communication, by words or conduct, between an adult and a person who has care, supervision or authority for a child with the intention of facilitating the child's involvement in sexual conduct with the adult.

Mandatory Reporters are required by law to report suspected child abuse and neglect to government authorities.

Reasonable Belief means If a reasonable person, doing the same work, would have formed the same belief on those grounds, based on the same information. Grounds for forming a belief are matters of which the person has become aware and any opinions in relation to those matters.

Reasonable Excuse means an excuse for not disclosing a reasonable belief of child sexual abuse that would render the non-reporter not guilty of an offense if they had:

- reasonable fear for their own safety or the safety of another person (such as a child or another family member) and they do not report to police due to those circumstances; and/or
- a belief on reasonable grounds that the information has already been disclosed to police and they have no further information to add.

Young person means a person between the ages of 18 and 21.

PROCEDURES

The following procedures are outlined in connection to the Child Safe Standards to which they relate.

Standard 4 – Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel.

Skillinvest requires all new staff to provide a current Employee Working with Children Check and undertake a new Police Check (or alternatively a valid and current VIT registration or equivalent in different states) These checks are part of the reference check process to ensure we are recruiting the right people. 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.

Staff are required to maintain currency of their Working with Children Check throughout their engagement with Skillinvest and are contractually bound to notify Management of any charges, convictions of abuse and all other offences that occur subsequent to the Working with Children Check or Police Checks having been undertaken.

All staff are required to undertake refresher training annually, which is monitored by the People & Culture Manager. Further, if Skillinvest delivers services to children in other states, it will ensure that any training undertaken with staff delivering those services is relevant to that state in order to be compliant with any Child Safe legislation or requirements of that state.

Standard 5 – Processes for responding to and reporting of suspected child abuse.

Skillinvest's Child Safe Reporting Process specifies:

- If an employee, contractor or volunteer becomes aware of an incident or allegation of abuse, the first responsibility is to ensure that the child or children are safe, and the risks of further abuse or harm are mitigated;
- If the incident or allegation of abuse could involve criminal conduct, the matter must be immediately reported to Victoria Police;
- If there is any immediate risk to a child or children, then the employee, contractor or volunteer should immediately call 000;

- If a reasonable belief is formed by an employee, contractor or volunteer that a child is in need of protection, notifications will be made to either the Police or Child Protection;
- A report must be made on each occasion a reasonable belief has been formed.
- Each report must be made as soon as practicable;
- Reports should be made if there was disagreement about the need to;
- To follow up to ensure a report has been made when another person has made the report.

All reports of child abuse will be treated as serious, whether they are made by an adult or a child. When an allegation of child abuse is received, all mandatory reporting requirements (as specified in the *Children, Youth & Families Act 2005*) must be met, including reporting to:

- Police;
- Department of Health and Human Services;
- The Commission for Children and Young People under the Reportable Conduct Scheme;
- Other government departments or regulators as appropriate.

The only Mandatory Reporters Skillinvest may have employed are Teachers, Educators or Trainers & Assessors that have a current Victorian Institute of Teaching (VIT) registration. In all other instances, notifications should be made via a Skillinvest Child Safety Officer who will make a report to the relevant authority/authorities as required in accordance with Skillinvest's Child Safe Reporting Process as outlined above.

In addition to the Mandatory Reporting requirements, any person that is in a position of authority has a legal requirement to act in order to protect a child who is at substantial risk by putting in place measures to protect that risk. Failure to do so may bring about potential charges for Failure to Disclose or Failure to Protect unless they have a Reasonable Excuse for not reporting.

All reported incidents will also be reported to the CEO as well as tabled at each Training Managers Meeting. The CEO will also determine whether any incidents are reported to the Audit & Risk Committee or Board of Skillinvest at their discretion.

If an allegation of abuse or a safety concern is raised, we will provide updates to children and families on progress and any actions we take as an organisation. If children, young people, families, students, employees, contractors or volunteers have concerns regarding the organisation's leadership in relation to child safety, they can report these concerns under the Reportable Conduct Scheme.

Skillinvest will display posters within all training facilities that clearly and concisely outline the Child Safe Reporting Process with contact details specifically relevant to that site and region.

Where appropriate, following a report of a child safety concern, Skillinvest will provide the following support:

- Assist alleged victims and their families to access counselling and support services;
- Assist a child who makes a report through preserving their anonymity (unless legally obliged to provide this information) as well as providing access to counselling and support services for them and their families;
- Provide support to affected staff through Skillinvest's Employee Assistance Program;
- Where an allegation of abuse involves an Aboriginal and or Torres Strait Islander child, a child from a culturally and/or linguistically diverse background or a child with a disability, appropriate

steps will be taken to ensure the child and the child's family fully understand the situation and are supported (including the use of an interpreter if required).

Standard 6 – Strategies to identify and reduce or remove risks of child abuse

Skillinvest takes a risk management approach to ensure the identification, reduction or removal of risks of child abuse through:

- Regularly reviewing the risks associated with our programs and services and making amendments to policies and processes to reduce or eliminate those risks;
- Ensuring specific risks associated with Aboriginal and/or Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds as well as children with a disability are identified, assessed and mitigated;
- Undertaking risk assessments for all excursions and putting in place measures to ensure the reduction or elimination of any risks associated with each excursion prior to them taking place;
- Reviewing all incidents to identify areas of improvement;
- Staff are made aware of their responsibilities for ensuring child safety through comprehensive inductions, regular training and through the promotion and education of Skillinvest's commitment to and policies on child safety;
- Centralised reporting and advisory structure through appointing designated Child Safety Officers and clearly communicating who those Officers are throughout all Skillinvest training facilities.

Standard 7 – Strategies to promote the participation and empowerment of children

Skillinvest is committed to ensuring that children not only feel safe and comfortable reporting concerns or allegations of abuse but are also aware of how they can report abuse, inappropriate behaviour or concerns for their safety. It does so through:

- Making easy to understand and age appropriate information readily available to children regarding:
 - What child abuse is;
 - Their rights to make decisions about their body and their privacy;
 - How to raise concerns about or report on abuse;
 - What support they will be provided with should they raise a concern or make a report about abuse;
- The information will be made readily available to children through;
 - Copies of information in print provided to children upon enrolment and/or at induction;
 - Posters displayed within all Skillinvest training facilities outlining Skillinvest's Child Safe Reporting Process;
 - Making copies of the above documents available on Skillinvest's website.
- Encourage the participation and empowerment of children in expressing their views and making suggestions about policies and procedures relating to Child Safety;
- Engage in consultation with parents and members of Aboriginal and/or Torres Strait Islander and culturally and/or linguistically diverse communities as well as children with a disability to ensure our Child Safe policies and procedures are culturally appropriate, safe and easy to understand by people from those communities.

PROCEDURE EVALUATION & REVIEW

This procedure was last updated in September 2019 and will be reviewed in conjunction with the Child Safe Policy and Statement of Commitment on an annual basis.