



CHILD SAFE POLICY

Last reviewed:	30/06/2022
Next review date:	30/06/2023
Person responsible for review:	Executive Officer

1. INTRODUCTION

- 1.1. LYS Inc. is committed to ensuring that children and young people who participate in its activities have a safe and happy experience. LYS Inc. supports and respects children, young people, staff, volunteers and participants.
- 1.2. The aim of LYS Inc.'s Child Safe Policy (the Policy) is to protect the safety of children participating in LYS Inc. programs, prevent abuse from occurring, and in the event that allegations are raised in relation to child abuse, to ensure that the allegations are properly addressed. All complaints will be treated seriously and fully investigated and handled with maximum confidentiality and discretion.
- 1.3. Should a person wish to make any enquiries in relation to this Policy, please contact Sandy Hegarty, Executive Officer, on 0484 777 972.

2. POLICY STATEMENT

- 2.1. LYS Inc. is a child safe organisation. We have a zero-tolerance approach to child abuse, and we're committed to promoting and protecting children and young people from abuse and neglect to the greatest extent possible. All children and young people have equal rights to protection from child abuse, regardless of their sex, religion, cultural background, disability or sexual orientation etc.
- 2.2. Child protection is a shared responsibility between LYS Inc., its employees, contractors, participants, parents/guardians, facilitators, and members of the Gippsland community. Everyone that participates in LYS Inc.'s activities is responsible for the care and protection of children and for reporting information about child abuse.
- 2.3. LYS Inc. listens to children's views, respects their views and involves them when making decisions, where appropriate, especially about matters that will directly affect them (including their safety).
- 2.4. LYS Inc. is also committed to providing a safe environment for Aboriginal children, children from culturally and/or linguistically diverse backgrounds, living with a disability, identifying as gay, lesbian, transgender or bisexual, intersex children, and children who may be vulnerable due to social or economic disadvantage.

3. SCOPE

- 3.1. This Policy applies to LYS Inc. employees, volunteers, facilitators, contractors, participants, parents/guardians and facilitators.
- 3.2. This Policy will continue to apply retrospectively to a person following the cessation of their association or employment with LYS Inc.

4. RELATED DOCUMENTS & LEGISLATIVE REQUIREMENTS

4.1. This Policy must be read in conjunction with:

4.1.1. the law of the Commonwealth and Victoria including but not limited to:

4.1.1.1. Children, Youth and Families Act 2005 (Vic)

4.1.1.2. Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)

4.1.1.3. Crimes Act 1958 (Vic); and

4.1.1.4. Working with Children Act 2005 (Vic)

4.1.2. LYS Inc. policies and procedures, including but not limited to:

4.1.2.1. Employee Handbook;

4.1.2.2. Child Safe Code of Conduct;

4.1.2.3. Child Safe Recruitment Process;

4.1.2.4. Child Safe Reporting Process;

4.1.2.5. Child Safe Complaint Handling Process;

4.1.2.6. Child Safe Risk Plan;

5. DEFINITIONS

5.1. **Child** means a person involved in LYS Inc. programs and under the age of 18 years unless otherwise stated under the law applicable to the child.

5.2. **Child protection** means any responsibility, measure or activity undertaken to safeguard children from harm.

5.3. **Sexual offence** means a criminal offence involving sexual activity or actions of indecency or any act which exposes a child to, or involves a child in, sexual activity or matters beyond his or her understanding or contrary to accepted community standards. Sexual offence 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 includes actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child (or the child's carer, family or supervisor) to lower the child's inhibitions and prepare them for engagement in a sexual offence.

5.4. **Mandatory reporter** means a person who is legally required to make a report to the Department of Human Services or the Police if they form a belief on reasonable grounds that a child is in need of protection. It includes teachers, principals, registered psychologists, nurses, doctors and midwives.

6. RECOGNISING AND REPORTING CHILD ABUSE

6.1. A LYS Inc. staff member, volunteer, contractor or director may, in the course of their work with LYS Inc., form a belief on reasonable grounds that a child needs protection from child abuse.

6.2. If a person is concerned about an immediate risk to a child's safety, the person must phone "000" as soon as practicable.

6.3. **Child abuse** can be divided into four categories:

6.3.1. **Physical abuse:** occurs when a child has suffered, or is likely to suffer, significant harm as a result of a physical injury, such as a non-accidental physical injury.

6.3.2. **Sexual abuse:** occurs when a child has suffered, or is likely to suffer, significant harm as a result of sexual abuse, such as when a child is exploited, or used by another for his or her sexual gratification or sexual arousal, or for that of others.

6.3.3. **Emotional and psychological abuse:** occurs when a child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is or is likely to be significantly damaged; and

6.3.4. **Neglect:** occurs when a child's physical development or health has been or is likely to be significantly damaged. It refers to an omission, such as depriving a child of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, or medical care.

6.4. Child abuse includes any actions that results in actual or potential harm to a child, in circumstances where the child's parents have not protected, or are unlikely to protect, the child.

6.5. Mandatory Reporters

6.5.1. Select classes of people in the community (including teachers, nurses and doctors) are required by law to report to the Child Protection Unit of the Department of Health and Human Services (DHHS) where they have formed a belief, on reasonable grounds, that a child is in need of protection because they have suffered (or are likely to suffer) significant harm due to physical or sexual abuse.

6.5.2. This report must be made as soon as practicable, and after each occasion where he or she becomes aware of further reasonable grounds for the belief.

6.5.3. LYS Inc. staff are not likely to be mandatory reporters unless they are also employed in an occupation which requires them to report (as above).

6.6. Voluntary Reporters

6.6.1. Any LYS Inc. employee who believes on reasonable grounds that a child is in need of protection from any form of child abuse, *may* disclose that information to the Police or DHHS.

6.7. Reasonable grounds for belief

6.7.1. A reasonable belief is formed if a reasonable person believes that:

6.7.1.1. the child is in need of protection;

6.7.1.2. the child has suffered or is likely to suffer significant harm as a result of physical or sexual injury; and

6.7.1.3. the child's parents are unable or unwilling to protect the child.

6.7.2. To form a reasonable belief, you should consider and objectively assess all the relevant facts, such as 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.

6.7.3. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation.

6.7.4. You will have reasonable grounds to report if:

6.7.4.1. a child states that they have been physically or sexually abused;

6.7.4.2. a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);

6.7.4.3. someone who knows a child states that the child has been physically or sexually abused;

6.7.4.4. 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; or

6.7.4.5. signs of abuse lead to a belief that the child has been physically or sexually abused.

6.8. Reporting Child Sexual Abuse

6.8.1. If a person receives information that leads them to form a reasonable belief that a sexual offence has been committed in Victoria against a child (under the age of 16 years) by another person (of or over the age of 18 years), the person has a legal obligation to disclose that information to the Police as soon as it is practicable. Individuals who fail to comply with this obligation under the Crimes Act 1958 (Vic) may be subject to a penalty of 3 years imprisonment.

6.9. LYS Inc. Approach to Reports of Abuse

- 6.9.1. LYS Inc. supports and encourages a person to make a report to the Police or DHHS if they form a belief on reasonable grounds that a child is in need of protection, or they are concerned about the safety, health or wellbeing of a child.
- 6.9.2. Any person that make a report in good faith in accordance with their reporting obligations (whether mandatory or discretionary) will be supported by LYS Inc. and will not be penalised by LYS Inc. for making the report.
- 6.9.3. If a person is uncertain as to whether they should make a report to an external authority in relation to the safety of a child, they may speak to the LYS Inc. Operations Manager or Executive Officer for guidance and information.
- 6.9.4. If an allegation is made against a member of staff or volunteer, LYS Inc. will follow the reporting procedure outlined in our Child Safe Complaint Handling Process and take all steps to ensure that the safety of the child is paramount. An initial step will involve the withdrawal of the accused person from active duty, which could entail standing down, reassignment to a role without direct contact with children, working under closer supervision during an investigation, working from home, or any other measures deemed appropriate depending on the seriousness of the allegation.
- 6.9.5. LYS Inc. will investigate allegations of inappropriate conduct against a child in accordance with procedural fairness and will handle the allegations in a confidential manner to the greatest extent possible.
- 6.9.6. LYS Inc. will cooperate with the directions of the Police and/or DHHS in relation to any investigation conducted by these authorities.
- 6.9.7. LYS Inc. will keep a register of any allegations regarding inappropriate conduct.

7. ROLES AND RESPONSIBILITIES OF PERSONNEL PROTECTING CHILDREN

- 7.1. Personnel involved in protecting children include LYS Inc. directors, management, staff and volunteers within. Those people have responsibilities in relation to protection of children and are expected to:
 - 7.1.1. understand the rights of children, as appropriate to their role;
 - 7.1.2. respect the cultural and religious practices of families who access LYS Inc.'s services, programs or events;
 - 7.1.3. understand and appropriately respond to the needs of children with developmental delays or disabilities;
 - 7.1.4. appropriately act on any concerns raised by children;
 - 7.1.5. understand the definitions, indicators and impact of child abuse;
 - 7.1.6. know and follow regulations in relation to the care of children;
 - 7.1.7. co-operate with police and/or other formal investigations to the best of their ability; and
 - 7.1.8. not harm or exploit children who access LYS Inc.'s services.

- 7.1.9. maintain a minimum ratio of two staff (1 volunteer may count for ratio) when participants are engaged in LYS Inc. programs or transportation.

8. PREVENTION AND MANAGEMENT OF RISKS OF CHILD ABUSE

8.1. Facilitators and participant relationships

- 8.1.1. Facilitators employed to conduct LYS Inc. programs must not erode interpersonal boundaries from acceptable to unacceptable and must not exploit or abuse their position of power and responsibility of children. More information is included in the LYS Inc. Child Safe Code of Conduct and Employee Handbooks.
- 8.1.2. All facilitators must ensure that all physical contact with children which occurs when training is appropriate for the situation and necessary for the participant's safety. It is strongly recommended that:
- 8.1.2.1. facilitators ensure that there are other adults present and the two staff ratio always applies;
 - 8.1.2.2. facilitators take care to explain the procedure to the young person prior to beginning any physical contact; and
 - 8.1.2.3. facilitators obtain consent from the young person prior to beginning any physical contact.

8.2. Vulnerable Children

- 8.2.1. It is possible that participants in LYS Inc. programs are vulnerable children who may be experiencing difficulties in their home life. This could make them the target or perpetrators of child abuse. LYS Inc. follows a strict employee recruitment process which is designed to ensure no-one with red flags is employed in any role at LYS Inc.
- 8.2.2. LYS Inc. endeavours to provide training to staff to develop their capability to identify and support the needs of vulnerable children.

8.3. Sexual Relationships

- 8.3.1. During all LYS Inc. programs employees must not, under any circumstances engage in conduct of a sexual nature with an participant. Improper conduct of a sexual nature by an official towards a participant includes any form of child sexual abuse as well as but not limited to the following:
- 8.3.1.1. inappropriate conversations of a sexual nature;
 - 8.3.1.2. obscene language of a sexual nature;
 - 8.3.1.3. suggestive remarks or actions;
 - 8.3.1.4. jokes of a sexual nature;
 - 8.3.1.5. obscene gestures;
 - 8.3.1.6. unwarranted and inappropriate touching;
 - 8.3.1.7. sexual exhibitionism;

- 8.3.1.8. use of any device to show/watch offensive material; and
- 8.3.1.9. any other action that could lead to an athlete being physically, emotionally or psychologically harmed.

8.4. Adults under investigation

- 8.4.1. Adults under investigation in relation to a matter involving child abuse, or any matter which has the potential to jeopardise their Working With Children Check (WWCC) (or if based in another State the equivalent requirement) status may be prohibited, by the LYS Inc. Board or Executive Officer, from participating in LYS Inc. activities.

9. ENGAGING NEW PERSONNEL

- 9.1. The minimum standard for background checks of employees and volunteers of LYS Inc. and its members is the law as it applies in Victoria.
- 9.2. LYS Inc. undertakes a comprehensive recruitment and screening process for all staff and volunteers which aims to:
 - 9.2.1. promote and protect the safety of all children who participate in the activities of LYS Inc.;
 - 9.2.2. identify and recruit the safest and most suitable candidates who share LYS Inc.'s values and commitment to protect children; and
 - 9.2.3. prevent a person from working at LYS Inc. if they pose an unacceptable risk to children.
- 9.3. LYS Inc. requires staff and volunteers to pass the recruitment and screening process prior to commencing their engagement with LYS Inc..
- 9.4. As part of the screening and recruitment process, an applicant must provide appropriate evidence (e.g. WWCC or other state equivalent and/or Police check) to show that they are suitable to work with children and young people in the Youth Space setting.
 - 9.4.1. all LYS Inc. staff and Board members require a WWCC; and
 - 9.4.2. the following key event personnel must have a valid WWCC:
 - 9.4.2.1. relevant contractors who may have unsupervised access to children; and
 - 9.4.2.2. anyone else who LYS Inc. staff feel requires a WWCC due to the nature of the work that they are undertaking for LYS Inc.
- 9.5. The type of evidence that an applicant is required to provide to LYS Inc. will vary depending on the type of position that they are applying for. However, an applicant will not be offered a position until they provide the required evidence to LYS Inc.
- 9.6. LYS Inc. will exercise discretion and may require applicants to provide a Police check in accordance with the law and as appropriate, before they commence their engagement and during their time with LYS Inc. in regular intervals.

9.7. LYS Inc. will undertake thorough reference checks prior to engaging any personnel.

9.8. Once engaged, LYS Inc. will provide staff and volunteers with access to this policy and staff and volunteers must review and acknowledge their understanding of this policy.

10. RISK MANAGEMENT APPROACH

10.1. Child safety is a part of LYS Inc.'s overall risk management approach.

11. POLICY BREACHES

11.1. It is a breach of this policy for any person to have been found to have done anything contrary to this policy. Any person who may breach this policy is subject to LYS Inc.'s Disciplinary Action and Dismissal Policy.

12. POLICY PROMOTION

12.1. This policy will be made available to all LYS Inc. directors, staff and the Gippsland community via the LYS Inc. website.

12.2. Steps LYS Inc. staff must undertake as a result of this policy will be embedded into the LYS Inc. Employee Handbook.

13. REVIEW PROCESS

13.1. This policy will be reviewed by the LYS Inc. Board on a biennial basis.

13.2. If you would like to provide LYS Inc. with any feedback or suggestions to improve this policy, please contact Sandy Hegarty, Executive Officer, on 0484 777 972.

13.3. In addition to the regular review of this policy, recommendations for changes to the policy may be submitted to the Board for consideration at any time. In the event that changes are accepted, the policy will be updated, and circulated to all stakeholders via the webpage and other appropriate communication channels.