
Child Safe Standards Policy and Procedure

Introduction

Cire Services Incorporated, its Board, Management and all employees is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse.

Everyone working at Cire Services Inc. is responsible for the care and protection of children and reporting information about child abuse.

Purpose

The purpose of this policy is:

1. To facilitate the prevention of child abuse occurring within Cire Services Inc.
2. To work towards an organisational culture of child safety.
3. To prevent child abuse within Cire Services.
4. To ensure that all parties are aware of their responsibilities for identifying possibly 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 employees/volunteers/contractors to action that should be taken where they suspect any abuse within or outside of the organisation.
6. To provide a clear statement to employees/volunteers/contractors forbidding any such abuse.
7. To provide assurance that all cases of suspected abuse will be reported and fully investigated.

Policy

Cire Services is committed to promoting and protecting 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.

Cire Services has zero tolerance for child abuse. Everyone working at Cire Services 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 Cire Services, all employees, workers, contractors, volunteers and members of the broader Cire Services community.

Cire Services will consider the opinions of children and use their opinions to develop child protection policies.

Cire Services supports and respects all children, employees and volunteers. Cire Services is committed to the cultural safety of Aboriginal children and those from culturally and 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, they need to call 000.

Procedures

Responsibilities

The Cire Services Board has ultimate responsibility for the detection and preventing of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place. The Board is also responsible for ensuring that appropriate policies and procedures and a Child Protection Code of Conduct are in place.

The Chief Executive Officer (CEO) of Cire Services has overarching responsibility for:

- Dealing with and investigating reports of child abuse;
- Ensuring that all employees, contractors, visitors and volunteers are aware of relevant laws, organisational policies and procedures, and the organisation's Code of Conduct;
- Ensuring that all adults within the Cire community are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures;
- Ensuring that all employees, contractors, visitors and volunteers are aware of their obligation to observe the Code of Conduct particularly as it relates to child safety; and
- Providing support for employees, contractors and volunteers in undertaking their child protection responsibilities.

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 least extent possible;
- Educate employees about the prevention and detection of child abuse;
- Either facilitate the reporting of or report any inappropriate behaviour or suspected abusive activities and/or behaviour; and
- Be familiar with all types of abuse that may occur within their area of responsibility and be alert for any indications of such conduct.

All employees/volunteers/students/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 Cire's policy and procedures in relation to child protection, and comply with all requirements;
- Undergo a national crime check, Working With Children Check or Victorian Institute of Teaching registration, in accordance with Cire Policies and the law and as appropriate, before they commence working (this includes work experience students) volunteering at Cire and during their time at regular intervals or as requested by any Cire employee as part of validating their ability to either work for or be involved with Cire as may be required from time to time;
- Report any reasonable belief that a child's safety is at risk to the CEO or member of the Executive Leadership Team or 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 manager or, if their manager is involved in the suspicion, to a responsible person in the organisation such as the CEO; and
- Provide an environment that is supportive of all children's emotional and physical safety.

The Cire Child Protection Procedure is to be read together with this Policy for detail on the Four Critical Actions to be implemented should any employee, contractor or volunteer witness an incident.

Definitions

Child means a person below the age of 18 years unless otherwise stated under the law applicable to the child.

Child protection means any responsibility, measure or activity undertaken to safeguard a child 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), online via the internet 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 is 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," or
- 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.

Employment of new Cire employee

Cire Services conducts a comprehensive recruitment and screening process for all workers, contractors and volunteers which aims to:

- Promote Cire as a Child Safe organisation to deter offenders
- Protect the safety of all children in the care of the organisation;
- Identify the safest and most suitable people who share Cire's values and commitment to protect children; and
- Prevent a person from working at Cire if they pose a risk to children.

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

Cire requires all successful applicants to subject to a national crime check before they commence working at Cire and during their time with Cire at regular intervals as may be required.

In addition, Cire requires all employees and non-teaching staff to hold a valid Working With Children Check at all times and to ensure on joining the organisation they update their record to list Cire Services as their current employer and on leaving Cire, to update their record with the details of their new employer.

Cire will complete thorough reference checks as per the approved internal process.

Once engaged, employees and volunteers must review and acknowledge their understanding of this policy.

All contractors engaged by Cire are screened to ensure that they hold current Working With Children Checks.

Risk Management

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

All Board members will receive regular training in relation to child safety. Managing risk and compliance are the responsibility of the Board.

Persons applying for a role as a teacher with Cire Community School must be registered with the Victorian Institute of Teaching (VIT) and maintain VIT currency. Currency of registration will be checked every six months through the registration portals.

Cire requires all applicants to complete a national crime check and non-teaching employees to undergo a Working With Children Check before they commence working at Cire. National crime checks may be required from time to time.

Once engaged, workers and volunteers must review and acknowledge their understanding of this Policy and Procedure.

Cire will ensure that child safety is a part of its overall risk management approach and undertake annual child safety reviews.

Reporting

Any employee, volunteer or contractor who has grounds to suspect abusive activity must immediately notify their line manager, or the CEO, or the appropriate child protection service or the police. They should also advise their manager about their concern.

In situations where the manager 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 management .

Managers must report complaints of suspected abusive behaviour or misconduct to the CEO and also to any external regulatory body such as the police.

Mandatory Reporting Obligations

Legislation Name	Mandated reporters	When must a report be made?	Who is a child?
Crimes Act 1958 (Vic)	Any person 18 years or older.	A mandated reporter must make a report if 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 of age.
Children, Youth and Families Act 2005 (Vic)	<ul style="list-style-type: none"> Registered medical practitioners , midwives and registered nurses Teachers registered or granted permission to teach under the Education, Training and Reform Act 2006 Principals Police 	A mandated reporter must make a report if: <ul style="list-style-type: none"> They form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse; The parents cannot or will not protect the child; and The belief is formed in the course of practicing his/her position of employment. NB: exceptions may apply.	A person under 17 years of age.
Child Wellbeing and Safety Act 2005 (Vic)	<ul style="list-style-type: none"> The head of an entity that is affected by the Reportable Conduct Scheme. The applicable entities are brought into the scheme in three phases, last phase being January 1, 2019 The full list of entities (and the applicable phase) can be found here: https://lccyg.vic.gov.au/reportable-conduct-scheme-for-organisations 	A mandated reporter must make a report to the Commission for Children and young People if they become aware of a reportable allegation against an employee, volunteer or contractor of the entity.	A person under 18 years of age.

Voluntary Reporting Obligations

Legislation	Voluntary Reporters	When can a report be made?	Who is a child?
Children, Youth and Families Act 2005 (VIC)	Any person.	A voluntary reporter may make a report to a protective intervener (i.e. the police or the Department of Health and Human Services) if: <ul style="list-style-type: none"> The person believes, on reasonable grounds, that a child is in need of protection. 	A person under 17 years of age.
Child Wellbeing and Safety Act 2005 (VIC)	Any person.	A voluntary reporter may disclose a reportable allegation to the Commission for Children and Young People.	A person under 18 years of age.

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 CEO 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 employees 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.

Responding

If it is alleged that an employee, contractor, student or a volunteer may have committed an offence or have breached Cire'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 Cire'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.

Failure to respond and report

Physical and sexual abuse is a crime and must be reported to the police. Concerns about the safety and wellbeing of children can range from an uncomfortable feeling through to direct observation or disclosure by a child.

Employees, volunteers and contractors are required to raise concerns through Cire's internal reporting procedures or directly with the police.

The failure to protect offence applies to people within Cire who knew of a risk of child sexual abuse by someone in Cire, or by an individual associated with Cire, and had authority to reduce or remove the risk but did not act to protect the child.

This policy is to be read in conjunction with the Child Safety Reporting Flowchart

Victorian Reportable Conduct Scheme

In summary, the Victorian Reportable Conduct Scheme:

- Requires some organisations to respond to allegations of child abuse and other child related misconduct made against their workers and volunteers and notify the Commission for Children and Young People of any allegations;
- Enable the Commission to oversee responses; and
- Facilitate information sharing between organisations, their regulators, Victoria Police, the Department of Justice and Regulations Working With Children Check Unit and the Commission.

Privacy

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. Cire will have safeguards and practices in place to ensure any personal information is protected.

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

Reviewing

Each year, and following every reportable incident, a child safety review will be undertaken to assess whether the organisation's child protection policies or procedures require modification to better protect the children under the organisation's care.

Related Documents

Cire Child Safe Standards Policy (current document)
Cire Child Safety Reporting Flowchart
Cire Child Protection Procedure
Privacy Policy
Legislative Compliance Policy
Cire Code of Conduct
Risk Management Policy
Cire Recruitment Policy
Cire Employee Induction Policy

Cire Employee Performance Discipline Policy

This policy must be read in conjunction with:

- The law of the Commonwealth or of the relevant state or territory.

Related Legislation and Area of Compliance

Crimes Act 1958
Charter of Human Rights and Responsibilities Act 2006
Child Wellbeing and Safety Act 2005
Child Wellbeing and Safety Regulations 2007
Commission for Children and Young people Act 2012
Victorian Reportable Conduct Scheme 2017
Working With Children Act 2005
Working With Children regulations 2006
Education and Care Services National Law Act 2010
Education and Care Services National Regulations 2011
Education and Training Reform Act 2006
Children, Youth and Families Act 2005
Children, Youth and Family Regulations 2007
Victorian Institute of Teaching Code of Conduct and Ethics

Organisational Area

All Cire Services

Approved by

The Board

Signature:



Date: March 2019

Operative Date

March 2019

Review Date

March 2021