CHILD PROTECTION TOOLKIT

What every not-for-profit organisation must do NOW

January 2016

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Where not-for-profits go for help

Child Protection Toolkit:
What every not-for-profit organisation must do NOW

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1.

INTRODUCTION

Recent enquiries into child abuse in Australia have grimly revealed the immense damage that can be done to lives and indeed whole communities when individuals and institutions fail in their responsibility to protect children.

If there's one thing that's surely now very clear it's that we all have a role to play in preventing and responding to child abuse, and we all must play a part – because it's the law, because we need to protect our organisations from financial and reputational damage, but mostly because it's the right thing to do.

The Child Protection Toolkit has been created by Moores and Our Community as part of our shared commitment to promoting child safety, and helping not-for-profit organisations ensure compliance with the complex web of legislation in this area. The toolkit is designed to be read by school council members, principals and senior teachers, as well as board/committee members and senior managers of any not-for-profit organisation that works with children, though anyone can and should take it upon themselves to ensure every organisation is acting appropriately. There's so much at stake when organisations get it wrong. Conversely, those that face the issue head on with tenacity, courage and wisdom have an invaluable opportunity to prevent abuse and contribute to the healing of those who have suffered.

If you or someone you know has suffered abuse, we encourage you to reach out for support. The Royal Commission into Institutionalised Responses to Child Sexual Abuse has collated a list of organisations and support services which we commend to you: **http://www.childabuseroyalcommission.gov.au/support-services**.

If you represent or work with an organisation that would like assistance in this area, please don't hesitate to call the Moores Not-for-Profit Assist hotline on (03) 9843 2119 or email to **NFPassist@moores.com.au**.

2.

THE CHEAT SHEET

If you read nothing else – read this!

Now we've got your attention, we have to burst your bubble. In truth, there is no cheat sheet – no shortcuts that will keep your organisation and the children in its care safe. You simply have to get across your responsibilities, and you have do the minimum (and any ethical organisation should seek to do more than the minimum).

To ensure compliance with the law and protection of children within the care of your organisation, you must immediately:

- Implement a child-safe policy or statement of commitment to child safety;
- Put in place strategies to promote the participation and empowerment of children;
- Put in place a code of conduct that establishes clear expectations for appropriate behaviour with children;
- Create and embed screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel;
- Put in place strategies for identifying and reducing or removing risks of child abuse; and
- Codify mandatory and voluntary processes for responding to and reporting suspected child abuse.

This toolkit provides advice and practical tools to help you achieve all of the strategies outlined above.

However it's important to note that the most important thing you can do is to embed an organisation-wide commitment to the protection of children. This must be led from the top and you must encourage and foster a culture of proactively dealing with and reporting concerns of relating to child safety. These practices too are fleshed out in greater detail in this toolkit.

3.

THE SOCIAL AND LEGAL CONTEXT

Recent federal and state-based initiatives have highlighted the responsibility of not-for-profit organisations to play a role in preventing and appropriately responding to child abuse.

Understanding the context and findings of these inquiries (including the ones outside your organisation's own home state) will help you understand your risks and legal responsibilities, and assist you prepare appropriate policies and procedures for your organisation.

Royal Commission into Institutional Responses to Child Sexual Abuse

On January 11, 2013 the Australian Government established the **Royal Commission into Institutional Responses to Child Sexual Abuse** to look into how institutions have responded to allegations and instances of child sexual abuse.

The Royal Commission was asked to determine:

- What institutions and governments should do to better protect children against child sexual abuse;
- What institutions and governments should do to encourage the reporting of child sexual abuse;
- What should be done to eliminate or reduce barriers to responding appropriately to child sexual abuse; and
- What institutions and governments should do to address past and future child sexual abuse.

The Royal Commission called for submissions from both individuals and organisations, with 35 public hearings and 4645 private sessions conducted up to January 1, 2016.

At the time of writing, the final report was still some way off (the deadline is December 15, 2017), however the following themes have already emerged:

- The old mentality that children should be "seen and not heard" is no longer appropriate (if it ever was). Families and institutions are encouraged to empower children to speak their minds, and to listen and respond appropriately to a child's concerns.
- A 'head in the sand' mentality is not acceptable when it comes to child safety. Organisations must take preventative action, and actively deal with any complaints in a timely and compassionate manner.

- It is not acceptable to put off taking action against an alleged perpetrator unless or until they have been charged with a criminal offence. Organisations need to take appropriate action as soon as a complaint is received.
- It is not appropriate to deal with a matter internally when you have real concerns that a criminal offence has been committed. All allegations of child abuse must be immediately reported to the police or other relevant authority.
- It is not acceptable to hand a matter over to the authorities and then wash your hands of it – your organisation must actively participate in the investigation process and follow up with regulatory bodies to ensure that the issue has been appropriately dealt with.

The Victorian Inquiry into the Handling of Child Abuse by Religious and Other Organisations

In 2013 the Victorian Government asked the Family and Community Development Committee to investigate the handling of child abuse in religious and other non-governmental organisations.

The Inquiry into the Handling of Child Abuse by Religious and Other Organisations was directed to look at:

- The practices and policies in these organisations for handling allegations of child abuse;
- Whether there are systemic practices in these organisations that operate to discourage reporting of suspected child abuse; and
- Whether changes to the law or to practices, policies and protocols in these organisations are required to prevent child abuse and to deal with allegations of child abuse.

The Committee received hundreds of written and oral submissions, and on November 13, 2013 tabled its final report in Parliament.

The report, *Betrayal of Trust*, was scathing of many of the organisations it analysed, stating that:

> "evidence to the Inquiry revealed that historically these organisations were often motivated by self-interest and the protection of the organisation. This resulted in serious consequences for the safety and protection of children."

The report made more than a dozen recommendations to Parliament, including suggestions that the government:

- Strengthen the criminal law to include provisions such as compulsory reporting and a new grooming offence;
- Make it easier for victims to access the civil law, including the removal of time limits for making an application; and
- Establish a new independent avenue for justice that operates outside the ordinary adversarial court system.

The report, and the government's response to the report, can be found at **http://www.parliament.vic.gov.au/fcdc/article/1788**.

Victorian legislative changes based on the recommendations of the Committee

The Committee's recommendations led to substantial legislative changes, as outlined below.

☆ *Crimes Act 1958 (Vic)*

The Crimes Act was amended to include three new child safety offences. These include offences for:

- Grooming (maximum penalty of 10 years imprisonment);
- Failing to protect a child from becoming a victim to a sexual offence (maximum penalty of five years imprisonment); and

- Failing to report (to the police) a reasonable belief that a sexual offence has been committed against a child (maximum penalty of three years imprisonment).

The above additions came into effect in Victoria between April 9, 2014 and July 1, 2015.

☆ *Child Wellbeing and Safety Amendment Act 2015 (Vic)*

The Victorian Government amended existing legislation to empower the Minister for Children and Early Childhood Development to ensure that 'applicable entities' adhere to standards to promote child safety, prevent child abuse and properly respond to allegations.

This power is far-reaching, and applies to nearly all not-for-profits (and some for-profit organisations), including those in the following sectors:

- Education;
- Disability;
- Religious bodies;
- Housing services;
- Residential facilities of boarding schools;
- Coaching or tuition services;
- Counselling services;
- Cultural, sport or recreation groups / clubs / associations;
- Camps;
- Beauty competitions;
- Photography businesses;
- Babysitting services;
- Commercially or publicly funded transport services;
- Entertainment or party services;
- Care services (i.e. family day care, long day care, preschool & kindergartens);
- Children's services;
- Maternal and health care service providers;
- Mental health care services;
- Drug or alcohol treatment facilities;
- Family violence or sexual assault services;
- Support services for parents and families;
- Youth services; and
- Local councils.

The amendments mandate that these organisations captured by this legislation must have in place:

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

These obligations come into effect in two phases, applying to most Victorian not-for-profits from January 1, 2016.

Some practical tips on how your organisation can reflect these standards in your organisation's own practices and processes are provided in Part Four of this toolkit, as well as in Appendix Three.

☆ *Education and Training Reform Amendment (Child Safe Schools) Act 2015 (Vic)*

The Education Act amends existing legislation to:

- Establish a framework to require registered schools to take action to manage the risk of child abuse; and
- Strengthen the regulatory role of the Victorian Registration and Qualifications Authority.

All amendments came into force on December 21, 2015.

Other state-based inquiries

There have been two other state-based inquiries into child abuse in the past five years. These include:

- *The Special Commission of Inquiry into Matters Relating to the Police Investigation of Certain Child Sexual Abuse Allegations in the Catholic Diocese of Maitland-Newcastle*, which was announced by the New South Wales Government in November 2012; and
- The **Child Protection Systems Royal Commission**, which was launched by the South Australian Government in August 2014.

The NSW Inquiry concluded on May 30, 2014 and its final report can be found **here**. The SA Inquiry's final report is due on May 31, 2016.

"Child abuse, neglect and family violence devastate children and communities across Australia. Children are powerless to stop abuse, yet we as adults can prevent it. The first step is to learn more."

Australian Childhood Foundation, www.childhood.org.au

4.

CREATING THE RIGHT CULTURE

At the conclusion of the Victorian inquiry, the Family and Community Development Committee stated that:

"...the process for responding to suspected criminal child abuse needs to be part of an organisation's culture, leadership and internal practices. The culture and senior management of an organisation must actively support the reporting of suspicions or allegations of criminal child abuse to the police and relevant authorities. The organisation must also have an ongoing commitment to reviewing and continuously improving its processes."

In line with these comments, and the legislative provisions recently introduced in Victoria (as set out in Part Three), we recommend that organisations approach their culture on the following four fronts.

(See also Appendix Three for a list of practical steps your organisation can take to ensure a child-safe culture.)

1. From the top down

It is the responsibility of the board (or, in the case of schools, the school council) to ensure the organisation has the appropriate policies, procedures and culture in place to both:

- Safeguard against the risk of child abuse; and
- Respond effectively if abuse is suspected or confirmed.

Creating the right culture in your organisation will not be possible unless the board is conspicuously committed to ensuring a child-safe organisation.

In its submission to the Federal Government's Royal Commission, the Australian Children's Commissioners and Guardians (ACCG) – a network that aims to promote and protect the safety, wellbeing and rights of children and young people in Australia – set out a series of actions organisations can adopt in order to provide a child-safe environment. The principles provide a useful framework for boards and school councils looking to embed a child-safe culture. They are:

1. Take a preventative, proactive and participatory approach to child safety;
2. Implement child safety policies and procedures which support ongoing assessment and amelioration of risk;
3. Value and empower children to participate in decisions which affect their lives;
4. Foster a culture of openness that supports all persons to safely disclose risks of harm to children;

5. Respect diversity in cultures and child rearing practices while keeping child safety paramount;
6. Provide written guidance on appropriate conduct and behaviour towards children;
7. Engage only the most suitable people to work with children and have high quality staff and volunteer supervision and professional development;
8. Ensure children know who to talk with if they are worried or are feeling unsafe, and that they are comfortable and encouraged to raise such issues;
9. Report suspected abuse, neglect or mistreatment promptly to the appropriate authorities;
10. Share information appropriately and lawfully with other organisations where the safety and wellbeing of children is at risk; and
11. Value the input of and communicate regularly with families and carers.

School councils and not-for-profit boards should publicly commit to these principles and should ensure that the organisation's strategic plans, vision, and mission statements include specific consideration of child safety.

In addition, governing bodies should satisfy themselves that their organisation is adhering to all legislative requirements (see Part Six for the legislative obligations that are relevant in your state).

Policies and procedures

The board should ensure the organisation has appropriate policies and procedures in place to promote child safety and reduce risk. A child-safe policy and a code of conduct are two essential documents for any organisation whose volunteers, employees or contractors come into contact with children.

Child-safe policy

Your child-safe policy should be clearly worded and should include, at a minimum:

- A statement expressing the organisation's commitment to child safety;
- A definition of what constitutes child abuse;
- Procedures and decision-making processes that surround the organisation's interactions and involvement with children;
- An outline of your organisation's recruitment and supervision processes;
- Processes for identifying and managing child abuse risks;
- Processes for reporting and handling child abuse concerns and complaints;
- Processes of managing communication about suspected or actual child abuse, both internally and externally;
- A description of the roles and responsibilities of personnel involved in protecting children, including the duty of care of the board, management, staff and volunteers;
- A statement setting out the organisation's commitment to honouring different cultural traditions when protecting children;
- A statement setting out the organisation's commitment to the safety of children with a disability; and
- Information about how the policy is implemented, governed and reviewed.

A sample policy covering all the points above is available as Appendix One.

Code of conduct

The board should also ensure the organisation has an up-to-date code of conduct that includes:

- Clear and specific standards of conduct for working with children in different situations relevant to the organisation (e.g. where carers are looking after children with disabilities who may require soothing or restraining);

- Clear expectations of appropriate relationships with children for staff, volunteers and families (e.g. when it is appropriate for there to be physical contact, social media boundaries, etc.);
- Instructions on how adults should respond to any risks adults may pose to children, or that children may pose to each other;
- Guidance about how inappropriate conduct (or conduct that is not consistent with any legislation or code) should be reported;
- Recognition of the needs of children from culturally and/or linguistically diverse backgrounds; and
- Recognition of the needs of children with a disability and appropriate behaviour and relationships for personnel and children (e.g. appropriate ways to physically and emotionally assist a child with a disability).

A sample code of conduct is supplied as Appendix Two.

2. Implementing child-safe policies and procedures

As the Victorian Inquiry's Betrayal of Trust report highlighted, merely having policies in place does not guarantee child safety. Organisations must ensure all relevant people (volunteers, contractors and staff) have the knowledge, skills and capability required to create, implement and follow appropriate systems and processes.

It's generally not enough to communicate the existence of policies and procedures; training is required as well. You might have the capacity to deliver this training internally. If not, **Moores** can provide child-safe training in a manner and style that best suits the operational needs of your organisation. Contact Moores (see back page) for more details.

Your organisation also needs to have in place processes for regularly reviewing and refining policies and procedures to ensure that your organisation is compliant with

- All mandatory processes for responding to and reporting suspected child abuse;
- Any new child safety standards (as this area is regularly evolving); and
- Any other legislative changes surrounding child safety.

Some strategies for doing this include:

- Signing up to receive Moores' ***For the Cause*** blog updates, and/or Our Community's ***Our Community Matters*** e-newsletter – both publications contain regular updates about legal and other changes affecting Australian not-for-profit organisations and schools;
- Making diary notes (e.g. in one or several managers' electronic calendars, and/or the board calendar) to review legislation in this area at least annually and update policies accordingly;
- Become a Moores Not-for-Profit Assist member – this gives your organisation access to on-call legal assistance and a complimentary legal health check, which includes examination of your compliance with child protection legislation. Find out more at **www.communitydirectors.com.au/icda/legalhelp/**

3. Empowering children

Organisations where children and young adults feel free to question and speak up are, in our experience, the most child-safe organisations of all. Through your organisation's policies, as well as the behaviour of its leaders and staff, children should be encouraged to come forward with questions or concerns about adult behaviour.

There are a number of ways to empower children within your organisation to speak up about both child abuse and behaviour that might lead to child abuse. These steps include:

- Ensuring all relevant policies / procedures are written in plain English and are made publicly available online;

- Making sure children know that your organisation cares about their feelings and safety – by exhibiting child-friendly posters and statements of your values, for example;
- Discussing with children under your organisation's care or supervision the relevant policies and procedures, and providing practical examples of situations which might/would be necessary for children to disclose;
- Making a strong commitment to children's participation (i.e. being inclusive of all children) and providing staff with resources that support participation;
- Building children's confidence and assisting them to develop skills for participation, such as communication skills;
- Matching participation methods to the age, capabilities and background of the children and being adaptive to their ways of working;
- Creating opportunities for children to be involved in policy and program development, implementation and review, including being honest with children about the extent of their involvement, and giving feedback on how their views have been actioned;
- Establishing pathways and mechanisms (e.g. an anonymous suggestion box, opportunities for children to communicate with and get to trust a variety of adults, etc.) which enable children to raise concerns safely and with confidence; and
- Using inclusive and empowering, child-friendly language in everyday activities and relevant written documents.

Education

Another key factor in empowering children is to provide sensitive education on appropriate adult behaviour and how to spot and respond to the signs of inappropriate conduct.

CASE STUDY

Moores advised a school that discovered a staff member was acting inappropriately.

The behaviour was only uncovered because a student asked a school counsellor whether it was appropriate for a teacher to send her text messages at 10pm at night.

Because this student felt comfortable to come forward with her concerns, the school was able to step in immediately and address the behaviour to protect this student.

Whilst adults within your organisation must be alert to the warning signs of grooming and child sexual abuse, providing children in the care of your organisation with appropriate education about their bodies and personal boundaries will further strengthen your organisation's child protection strategy. Education may take place face to face (e.g. in a classroom setting) or via documented resources. We recommend that an appropriately qualified individual (such as a child psychologist or child counsellor with training expertise) provide this type of education.

The sorts of topics usually covered in such training include:

- Naming body parts – encouraging children to use proper names for body parts and explaining that certain parts are private;
- Secrets – talking to children about the differences between a good secret and a bad secret, the importance of not keeping secrets from parents, how to be alert for tricks and bribes;
- Safe and not-safe touches – an explanation about the difference between 'safe touches' and touches to private parts or those that make a child feel mad, upset or confused;

- It's OK to tell – reinforcing to children that they will never get in trouble for telling trusted adults that someone touched them or did something that they were not comfortable about;
- Adults aren't always right – explaining to children that some adults can do wrong things and it's important they let another adult know if they are worried about something;
- Feelings and instincts – helping children to identify and talk about their feelings, encouraging them to trust their instincts, and telling them how to get help;

WHAT IS 'GROOMING'?

Perpetrators of child sexual abuse can be predatory in nature, drawing victims to them by using calculated 'grooming' tactics. Grooming refers to actions deliberately undertaken to befriend and influence a child (and, in some circumstances, members of the child's family) with the intention of achieving a criminal objective of sexual activity with children.

Grooming can occur in person or online (e.g. via Facebook) and is designed to help the perpetrator establish an emotional connection in order to lower the child's inhibitions.

Ensuring your organisations' staff and volunteers understand the warning signs of grooming will make it far more likely that managers will be able to detect and respond to potential child sexual abuse.

In most states and territories of Australia, procuring or grooming a child for 'unlawful sexual activity' is a sexual offence and must be reported to the police.

- Trusted adults – ensuring that children know who they can go to when they have a question or concern (there should always be a number of nominated personnel specified); and
- Communication – encouraging open communication and discussions about experiences and feelings.

Children should also be provided with education about cyber safety to protect them against online grooming by predatory individuals. For example, many organisations do not allow staff or volunteers to be 'friends' on Facebook or other social media with children in their care. If this is the case in your organisation, this should be explained to students so that they can identify inappropriate behaviour if/as it arises. If your organisation does allow interaction via social media, you should educate both adults and children about expected behaviours and boundaries.

4. Enabling disclosure

In line with the robust statements made by the federal Royal Commission and the Victorian inquiry, an organisation should seek to foster a culture that encourages all children and adults to speak up about any concerns regarding a child's wellbeing.

The following statement from the Royal Commission's interim report highlights this point:

> "It is apparent that perpetrators are more likely to offend when an institution lacks the appropriate culture and is not managed with the protection of children as a high priority."

The Victorian *Betrayal of Trust* report echoed this point, saying:

> "Although having a process that requires personnel to report allegations or suspicions to management is important, there is also a need to ensure that the culture of the organisation supports such disclosures."

Child-safe organisations are those that foster and demonstrate openness in multiple ways. This helps to create a culture whereby all persons (including staff/contractors, volunteers, parents/carers and children) feel confident and comfortable to disclose to management any of their child safety concerns.

Strategies that help to create such a culture include:

- Having management lead by example and establish an honest two-way communication between themselves and others. Management should take the time to listen to others and encourage the expression of different viewpoints;
- Insisting that all interactions between staff, volunteers, parents/carers and children are respectful;
- Talking openly and honestly, where appropriate, about any past issues, alongside steps that have been taken to ensure those issues do not occur again;
- Treating personal information confidentially and respecting individuals' privacy; and
- Being open and transparent with parents and children about the organisation's privacy practices. This might include informing children that their counselling records could be accessed by others in certain circumstances.

As recommended by the Victorian Government, organisations should clearly communicate child safety policies and procedures to all staff, volunteers, children and families, and publish policies for child safety on the organisation's website.

Protection for reporters

Every state and territory has enacted legislation which protects individuals who make reports about suspected child abuse in good faith. 'Good faith' means the reporter has a valid and reasonable concern and is acting without malice or retaliation towards the alleged offender.

CASE STUDY

Jill is a youth worker. One afternoon a child reports to Jill that his dad beats him with a belt. Jill reports this information to the child safety officer within her organisation and also makes a report to the Department of Health and Human Services (DHHS). DHHS contacts the parents of the child to discuss the report.

The parents are furious that the report was made by a representative of the organisation without their knowledge. Jill's boss is embarrassed and concerned that the parents will withdraw vital funding from the organisation. Jill's boss wants to give Jill a warning letter for making the report to DHHS.

However, upon contacting Moores, the organisation is informed that Jill has a right (and indeed an obligation) to report her concerns and that her actions in making the report are legally protected. As such, Jill cannot be disciplined and the organisation must now ensure that Jill's boss is given training on child protection legislation and the organisation's internal policies and procedures should be reviewed to ensure that they deal with child safety.

These protections ensure that the report:

- Cannot result in the reporter being seen as unprofessional or having breached professional ethics; and
- Does not make the reporter liable for any disciplinary or legal action (including in cases that are not proven).

As a child-safe organisation you should ensure that everyone (including board

members/school council members, managers, staff, volunteers, contractors, counsellors, youth workers, chaplains, carers, parents and children – everyone) is made aware of their rights to report any concerns that they have of inappropriate behaviour towards children, and that they will not suffer any professional or legal consequences so long as they report in good faith.

Reports need to be made internally and externally in line with the organisation's policies and procedures and the applicable state-based legislation (see Part Six for details of reporting channels).

As recommended by the Victorian Government, organisations should promote a confidential reporting culture that respects individual privacy while maintaining adequate record keeping of child safety issues.

All organisations, other than the very smallest, should appoint an appropriately trained child safety officer/champion.

> "There can be no keener revelation of a society's soul than the way in which it treats its children."
>
> Nelson Mandela,
> Former President of South Africa

5.

CHILD-SAFE RECRUITMENT

A crucial part of establishing and maintaining a safe environment for children is ensuring that the most suitable people are recruited to work and volunteer with children, and that unsuitable people are screened out.

The following five steps will help ensure child safety through pre-employment screening.

1. Implement robust recruitment and selection procedures

Implementing robust recruitment and selection procedures will help you to identify the most suitable people for any given role. This becomes crucial in roles that involve working with children, where strong procedures will also act to deter unsuitable people from applying for any paid or voluntary position.

Recruitment and selection policies and procedures should reflect the organisation's understanding of and commitment to a child-safe environment. During the recruitment process, candidates should be provided with access to the organisation's child-safe policy and code of conduct. Clearly articulating acceptable behaviour from the very start of a person's involvement with your organisation will communicate to candidates that the organisation is committed to child safety.

Importantly, organisations should have documented and structured recruitment procedures for all positions, including paid, volunteer, board and executive positions. No employee, contractor or volunteer, however senior or junior, should be able to find a "back door" into your organisation.

2. Ensure your job descriptions and advertisements have a clear child-safe message

Your first step in preparing to recruit for a position that involves contact with children should be to undertake an analysis of the position. It is crucial to know and understand the exact skills required and the potential risk posed to children. This will allow you to develop a clear job description that defines the roles, tasks, and desirable skills and experience required.

Analysing the position will also help the organisation develop key selection criteria. These will form the measures against which you assess each applicant during the recruitment process. Interview questions

should then be formulated based on the selection criteria and risk analysis.

An explicit statement of commitment to child safety should be included in all advertisements and job descriptions to discourage unsuitable people from applying; for example:

> Our organisation is committed to child safety. We have zero tolerance of child abuse. Our robust human resources, recruitment and vetting practices are strictly adhered to during the application and interviewing process. Applicants should be aware that we carry out working with children, police records and reference checks (as we see fit) to ensure that we are recruiting the right people.

3. Carry out multiple selection and screening activities

Multiple selection and screening activities should be carried out during the recruitment phase of a child-related position, including:

- Conducting structured interviews;
- Conducting reference checks, Google & other online searches; and
- Conducting Working with Children Checks

These aspects of the recruitment process are discussed in detail below.

Interviews

It is recommended that interviews be conducted by a panel of at least three suitably trained people, where possible, to provide for a diversity of viewpoints and opinions. We recommend that at least one interviewer have an understanding of the dynamics of child abuse and the typical behaviours of child offenders. This will help the panel to identify 'red-flags' or warnings.

The primary challenge of an interview is to gain an accurate sense of who the candidate is, their values and attitudes, and how they are likely to perform in the job. It follows, then, that the interview should include a range of behavioural and values-based questions designed to elicit information that will help the panel determine the candidate's suitability for the position and uncover any potential risks to children. Ensure each interview includes:

- Discussion of the candidate's motivation for working with children;
- Exploration of the candidate's understanding of child abuse in institutional settings, including their understanding of how it occurs and what can be done to prevent it; and
- Exploration of the candidate's work history, including prior positions held, their responsibilities, and their reasons for leaving (especially where the candidate's previous roles involved working with children). Explore any gaps in work history or gaps in the candidate's resume.

The panel should:

- Pay particular attention to any answers that suggest a lack of professional boundaries around working with children (for example, lax social media boundaries);
- Probe further if the candidate's answers are incomplete or concerning, and cross check any concerns with referees and LinkedIn contacts; and
- Consider whether there is an unusual context for this candidate to be seeking employment with children.

Reference checks

Reference checks with a candidate's recent employers can help the organisation make an informed decision about his or her suitability to work with children. A minimum of two verbal reference checks should be conducted. Accepting letters of reference is not advised without follow-up conversations.

It is important to conduct reference checks with employers who have directly supervised the candidate and observed their interactions with children. Referees should be asked directly for information on the candidate's character and whether the referee has any concerns regarding the candidate working with children.

It's also recommended that Google searches be undertaken. While it's not advisable to believe everything you read on the internet, web searches are very quick and can in some cases help you to uncover red flags about a candidate's past history.

Working with Children Check schemes

A person wishing to engage in child-related work must comply with the working with children laws operating in the state or territory in which they operate. These schemes are designed to help organisations assess the level of risk an applicant may pose to children if they were engaged in child-related work. However, as was made abundantly clear by the federal Royal Commission, working with children checks should only be one part of an organisation's recruitment, selection and screening practices. A working with children check will not make an organisation a safe place for children – they must be used alongside broader child-safe strategies (as set out in this toolkit).

There is no Commonwealth working with children scheme. Each state and territory in Australia has its own scheme. The core elements of each scheme are similar but each has distinct requirements and operates in a particular way. All jurisdictions consider a person's criminal history, although the specific type of criminal history considered may vary.

Australia has three types of checks for child-related work:

- Working with Children Checks (WWCC)
    - WWCCs involve checking a person's criminal history and, in some jurisdictions, disciplinary information to determine their suitability to engage in child-related work. Successful applicants are granted a clearance, which they can use as evidence of their suitability to engage in child-related work for a specified period.
    - WWCCs are used in New South Wales, the Northern Territory, Queensland, Victoria and Western Australia.
- Working with Vulnerable People (WWVP)
    - WWVPs are similar to WWCCs. WWVPs assess a person's suitability to work with vulnerable people in regulated activities. Children and disadvantaged adults (such as adults with a disability and adults who cannot communicate in English) are considered vulnerable people.
    - The Australian Capital Territory and Tasmanian have implemented WWVP schemes.
- Criminal history assessments
    - Under this type of check, organisations must ensure criminal history assessments are conducted before engaging people to work in particular positions. The onus is on the organisation to ensure the assessments are undertaken, not the individual.
    - Criminal history checks are not monitored on an ongoing basis as they are in other jurisdictions; they are a point-in-time check only. Employers must ensure that assessments are conducted at least once every three years.
    - South Australia is the only jurisdiction utilising criminal history assessments for child-related work.

This table sets out the various schemes in place across Australia.

	Working with children checks	Working with vulnerable people	Criminal history assessments	Blue card
ACT		**https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804/kw/wwvp**		
NSW	**http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check**			
NT	**http://www.workingwithchildren.nt.gov.au/**			
SA			**https://www.dcsi.sa.gov.au/services/screening/what-kind-of-screening-do-I-need**	
QLD	**https://www.bluecard.qld.gov.au**			**https://www.bluecard.qld.gov.au/**
TAS		**http://www.justice.tas.gov.au/working_with_children**		
VIC	**http://www.workingwithchildren.vic.gov.au**			
WA	**https://workingwithchildren.wa.gov.au/**			

4. Put in place a child-safe employment/volunteer contract

The employment contract signed by staff, and the engagement documentation for volunteers and contractors, must make it clear that proven breaches of the organisation's policies and procedures, and breaches of the organisation's code of conduct, will be regarded as serious matters attracting administrative sanctions ranging from reprimand to dismissal.

As the Victorian Government recommends, organisations should also build responsibility for embedding an organisational culture of child safety into performance arrangements and position descriptions for senior staff.

5. Include child safety issues in induction training

Organisations should provide induction training that covers how to recognise and respond to child abuse, in line with Victorian Government recommendations. This should be done for all personnel, including volunteers and staff at leadership levels.

> "Safety and security don't just happen, they are the result of collective consensus and public investment. We owe our children, the most vulnerable citizens in our society, a life free of violence and fear."
>
> Nelson Mandela,
> Former President of South Africa

6. MANDATORY AND VOLUNTARY REPORTING OBLIGATIONS

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

It is best practice for all Australian organisations that work with children to develop procedures for responding to any report of suspected or actual child abuse. These procedures should comply with set reporting laws operating in your state, and should also include provisions regarding voluntary reporting.

Mandatory reporting obligations

Your procedures should include provisions in line with the mandatory reporting laws relevant to the state or territory in which your organisation operates (if your organisation operates in multiple states, consider including a table similar to that set out below).

The table below sets out the key features of each state and territory's mandatory reporting duties.

> "It is never too early to start educating ourselves and children about their rights. As you know children's learning experiences shape their thinking and values, and children who grow up knowing they are human rights holders will carry the messages of respect and dignity that accompany this knowledge into adulthood."
>
> Megan Mitchell,
> National Children's Commissioner

	Legislation	Mandated reporters	When must a report be made?	Who is a child?
ACT	*Children and Young People Act 2008 (ACT)*	• Doctors, nurses, enrolled nurses, midwives • Dentists • Teachers (including assistant teachers) and people providing education to a child or young person who is registered for home education under the Education Act 2004 • Police officers • School counsellors • People caring for a child at a child care centre • People coordinating or monitoring home-based care for a family day care scheme proprietor • Public servants who work with children and young people or families • The public advocate • An official visitor (i.e. someone authorised to be on the premises) • A person who, in the course of their employment, has contact with or provides services to children, young people and their families	A mandated reporter must make a report if: • The person believes on reasonable grounds that a child or young person has experienced, or is experiencing, sexual abuse or non-accidental physical injury; and • That belief is formed in the course of the person's work. NB: exceptions may apply.	A person under 12 years old
NSW	*Children and Young Persons (Care and Protection) Act 1998 (NSW)*	• A person who, in the course of his or her professional work or other paid employment, delivers health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children • A person who holds a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children	A mandated reporter must make a report if: • They have reasonable grounds to suspect that a child is "at risk of significant harm"; and • Those grounds arise during the course of or from the person's work. NB: exceptions may apply.	A person under 16 years old

	Legislation	Mandated reporters	When must a report be made?	Who is a child?
NSW	*Crimes Act 1900 (NSW)*	Any person	A mandated reporter must make a report if: • The person knows or believes that an offence has been committed (i.e. child abuse); and • Their information might be of assistance to police in apprehending, prosecuting or convicting the offender. NB: exceptions may apply.	A person under 18 years old
	Ombudsman Act 1974 (NSW)	The head of a designated government or non-government agency, including: • Department of Family and Community Services; • Department of Education and Communities; • Ministry of Health (including area health services); • Juvenile Justice NSW; • Corrective Services NSW; • Sport and Recreation NSW; • Ageing, Disability and Home Care; • non-government schools; • child care centres; • agencies providing substitute residential care to children; and • out of school hours care.	A mandated reporter must make a report to the Ombudsman if they become aware of an allegation against an employee of the agency, including allegations of: • any sexual offence or sexual misconduct committed against, with or in the presence of a child - including a child pornography offence; • any assault, ill-treatment or neglect of a child; and/or • any behaviour that causes psychological harm to a child – even if the child consented to the behaviour.	A person under 18 years old
NT	*Care and Protection of Children Act 2007 (NT)*	Any person	A mandated reporter must make a report if the person believes on reasonable grounds that: • A child under 18 years old has suffered or is likely to suffer harm or exploitation; or • A child under 14 years old has been or is likely to be a victim of a sexual offence; or • A child under 18 years old had been or is likely to be a victim of a sexual offence occurring in the context of a special care relationship. NB: exceptions may apply.	A person under 18 years old

	Legislation	Mandated reporters	When must a report be made?	Who is a child?
NT	*Care and Protection of Children Act 2007 (NT)*	In the NT, there are additional reporting obligations on 'registered health practitioners'. Registered health practitioners include Aboriginal health workers, chiropractors, dentists, dental hygienists, dental prosthetists, dental specialists, dental therapists, medical practitioners, midwives, registered nurses authorised to practise midwifery, registered and enrolled nurses, occupational therapists; optometrists; osteopaths; pharmacists, physiotherapists, psychologists and radiographers.	A registered health practitioner is under additional reporting obligations and must make a report if: • They believe on reasonable grounds that a child aged 14 or 15 years old has been or is likely to be a victim of a sexual offence; and • The age difference between the child and the sexual offender is greater than two years. NB: exceptions may apply.	A person under 18 years old
	Domestic and Family Violence Act (NT)	A person	A mandated reporter must make a report if the person believes on reasonable grounds that the life or safety of a person (i.e. a child) is under serious or imminent threat because domestic violence has been, is being or is about to be committed. NB: exceptions may apply.	A person under 18 years old
QLD	*Child Protection Act 1999 (QLD)*	• Teachers (specifically, approved teachers under the Education [Queensland College of Teachers] Act 2005, employed at a school) • Doctors • Registered nurses • Police officers with child protection responsibilities • A person performing a child advocate function under the Public Guardian Act 2014 • Child Safety employees • Licenced care services employees	A mandated reporter must make a report if: • They form a reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering significant harm caused by physical or sexual abuse; and • The child may not have a parent able and willing to protect the child from the harm. NB: exceptions may apply.	A person under 18 years old

	Legislation	Mandated reporters	When must a report be made?	Who is a child?
QLD	*Education (General Provisions) Act 2006 (Qld)*	Staff members at a school	A mandated reporter must make a report if they reasonably suspect, in the course of their employment at the school, that any of the following has been or is likely to be sexually abused by another person: • A student under 18 years old attending the school; • A pre-preparatory age child registered in a pre-preparatory learning program at the school or a distance education pre-preparatory learning program at the school; or • A person with a disability who is being provided with special education at the school and is not enrolled in the preparatory year at the school. NB: exceptions may apply.	
SA	*Children's Protection Act 1993 (SA)*	• Doctors • Pharmacists • Registered or enrolled nurses • Dentists • Psychologists • Police officers and community corrections officers • Social workers • Teachers in education institutions including kindergartens	A mandated reporter must make a report if: • They have reasonable grounds to suspect that a child has been or is being abused or neglected; and • The suspicion is formed in the course of the person's work (whether paid or voluntary) or carrying out of their official duties. NB: exceptions may apply.	A person under 18 years old
	Children's Protection Act 1993 (SA) continued	• Family day care providers • Employees/volunteers in a government department, agency or instrumentality, or a local government or non-government agency that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children • Ministers of religion (with the exception of disclosures made in the confessional) and employees or volunteers in a religious or spiritual organisations.		

	Legislation	Mandated reporters	When must a report be made?	Who is a child?
TAS	*Children, Young Persons and Their Families Act 1997 (TAS)*	• Registered medical practitioners • Nurses and midwives • Dentists, dental therapists or dental hygienists • Registered psychologists • Police officers and probation officers • Principals and teachers • Persons who provide child care • Persons involved in the management of a child care service licensed under the Child Care Act 2001 • Employees or volunteers of government agencies that provide health, welfare, education, child care or residential services for children, and organisations that receive any funding from the Australian Government for the provision of such services • Any other person of a class determined by the relevant government Minister by notice in the Tasmanian Government Gazette	A mandated reporter must make a report if: • They believe, or suspect on reasonable grounds, or know, that a child has been or is being abused or neglected; or • There is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides. • This also applies to unborn children. NB: exceptions may apply.	A person under 18 years old
VIC	*Crimes Act 1958 (Vic)*	Any person 18 years or older	A mandated reporter must 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
	Children, Youth and Families Act 2005 (Vic)	• 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: • 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 practising his/her position of employment. NB: exceptions may apply.	A person under 17 years old

	Legislation	Mandated reporters	When must a report be made?	Who is a child?
WA	*Children and Community Services Act 2004 (WA)*	• Doctors • Nurses • Midwives • Police officers • Teachers • Boarding supervisors	A mandated reporter must make a report if, in the course of their work, they believe on reasonable grounds that a child has been the subject of sexual abuse or is the subject of ongoing sexual abuse. NB: exceptions may apply.	A person under 18 years old
CTH	*Family Law Act 1975 (Cth)*	• the Registrar or a Deputy Registrar of a Registry of the Family Court of Australia; • the Registrar or a Deputy Registrar of the Family Court of Western Australia; • a Registrar of the Federal Circuit Court of Australia; • a family consultant; • a family counsellor; • a family dispute resolution practitioner; • an arbitrator; or • a lawyer independently representing a child's interests.	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: • a child has been abused; or • a child is at risk of being abused.	A person under 18 years old

Voluntary reporting obligations

Your organisation's response procedures should also include provisions relating to the voluntary reporting laws relevant to the state or territory in which your organisation operates. (If your organisation operates across borders, consider including a table similar to the one set out below detailing the relevant details for each state.)

Voluntary reporting is not legally required to be included in your policies and procedures, however it could help you prevent and respond to cases of child abuse and neglect. The table below sets out the key features of each state and territory's voluntary reporting duties.

	Legislation	Voluntary reporters	When can a report be made?	Who is a child?
ACT	*Children and Young People Act 2008 (ACT)*	Any person	A voluntary reporter may make a report if: • The person believes or suspects that a child or young person is being abused, is being neglected, or is at risk of abuse or neglect; and • The information is reported honestly and without recklessness. A voluntary reporter may also make a report if: • During a pregnancy, the person believes or suspects that the child that may be born as a result of the pregnancy, may be in need of care and protection; and • The information is reported honestly and without recklessness.	A person under 12 years old
NSW	*Children and Young Persons (Care and Protection) Act 1998 (NSW)*	Any person	A voluntary reporter may make a report if the person has reasonable grounds to suspect that a child or young person (i.e. 17 year old) is at risk of significant harm.	A person under 16 years old

	Legislation	Voluntary reporters	When can a report be made?	Who is a child?
NSW	*Ombudsman Act 1974 (NSW)*	The head or other employee of a designated government or non-government agency, including: • Department of Family and Community Services; • Department of Education and Communities; • Ministry of Health (including area health services); • Juvenile Justice NSW; Corrective Services NSW; • Sport and Recreation NSW; • Ageing, Disability and Home Care; • non-government schools; • child care centres; • agencies providing substitute residential care to children; and • out of school hours care.	A voluntary reporter may make a report to the Ombudsman if they become aware of any information that gives them reason to believe that an employee of the agency has committed the following: • any sexual offence or sexual misconduct committed against, with or in the presence of a child - including a child pornography offence; • any assault, ill-treatment or neglect of a child; • any behaviour that causes psychological harm to a child – even if the child consented to the behaviour.	A person under 18 years old
NT	*Care and Protection of Children Act 2007 (NT)*	Any person	A voluntary reporter may make a report if the person believes on reasonable grounds that: • A child under 18 years old has suffered or is likely to suffer harm or exploitation; or • A child under 14 years old has been or is likely to be a victim of a sexual offence; or • A child under 18 years old had been or is likely to be a victim of a sexual offence occurring in the context of a special care relationship.	A person under 18 years old
QLD	*Child Protection Act 1999 (QLD)*	Any person	A voluntary reporter may make a report if: • The person reasonably suspects a child may be in need of protection; or • An unborn child may be in need of protection after he or she is born.	A person under 18 years old

	Legislation	Voluntary reporters	When can a report be made?	Who is a child?
SA	*Children's Protection Act 1993 (SA)*	Any person	A voluntary reporter may make a report if the person suspects on reasonable grounds that a child has been or is being abused or neglected.	A person under 18 years old
TAS	*Children, Young Persons and Their Families Act 1997 (TAS)*	Any person	A voluntary reporter may make a report if the person knows or believes or suspects on reasonable grounds that a child is suffering, has suffered or is likely to suffer abuse or neglect. This also applies to unborn children.	A person under 18 years old
VIC	*Children, Youth and Families Act 2005 (VIC)*	Any person	A voluntary reporter may make a report if the person has a significant concern for the wellbeing of a child.	A person under 17 years old
WA	*Children and Community Services Act 2004 (WA)*	Any person	A voluntary reporter may make a report in good faith on any aspect of the wellbeing of a child.	A person under 18 years old
CTH	*Family Law Act 1975 (Cth)*	• the Registrar or a Deputy Registrar of a Registry of the Family Court of Australia; • the Registrar or a Deputy Registrar of the Family Court of Western Australia; • a Registrar of the Federal Circuit Court of Australia; • a family consultant; • a family counsellor; • a family dispute resolution practitioner; • an arbitrator; or • a lawyer independently representing a child's interests.	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: • has been ill treated, or is at risk of being ill treated; or • has been exposed, or is at risk of being exposed to behaviour which psychologically harms the child.	A person under 18 years old

Making a report

Any person who believes a child is in immediate danger should contact the police immediately. Otherwise, call the relevant numbers below.

Example of immediate danger: A father has picked child up from school and the school is aware that he is not authorised to do so because of a history of abuse. The school must contact the police.

Example of non-immediate danger: A child has been acting up in school and the school is aware that his parents have broken up and that there is a history of domestic violence against the mother – in this case action must be taken but it would be more appropriate to raise the concerns with the relevant body than to call the police emergency line.

	Relevant body	
ACT	**Office for Children, Youth and Family Support**	
	General Public line (24 hours)	1300 556 729
	Mandated Persons line (24 hours)	1300 556 728
	ACT Police - Sexual Assault and Child Abuse Team (SACAT)	
	Phone line	(02) 6256 7777
NSW	**Department of Family and Community Services**	
	General Public line(24 hours)	13 21 11
	Mandated Persons line (24 hours)	13 36 27
NT	**Department of Health and Families**	
	Child Protection Hotline (24 hours)	1800 700 250
QLD	**Department of Communities, Child Safety and Disability Services**	
	During business hours – contact the appropriate Regional Intake Service:	
	Brisbane	1300 682 254
	Central Queensland	1300 703 762
	Far North Queensland	1300 684 062
	North Coast Queensland	1300 703 921
	North Queensland	1300 706 147
	South East Queensland	1300 679 849
	South West Queensland	1300 683 390
	After hours	
	Child Safety Service Centre (24 hours)	1800 177 135 or (07) 3235 9999

	Relevant body	
SA	**Department for Education and Child Development** Child Abuse Report Line (24 hours)	 13 14 78
TAS	**Department of Health and Human Services** Child Protection Hotline (24 hours)	 1300 737 639
VIC	**Department of Health and Human Services** During business hours – contact the appropriate local government area: Northern and western suburbs Eastern suburbs Southern suburbs South-western rural and regional Western rural and regional North-western rural and regional North-eastern rural and regional Eastern and south-eastern rural and regional **After hours and to report concerns about the immediate safety of a child:** Child Protection Crisis Line (24 hours) **Victoria Police - Sexual Offences and Child Abuse Investigation Team (SOCIT)** Contact the appropriate local office: North-West Metropolitan Southern Metropolitan Western Victoria Eastern Victoria	 1300 664 977 1300 360 391 1300 655 795 1800 075 599 1800 000 551 1800 675 598 1800 650 227 1800 020 202 13 12 78 (03) 8690 4056 (03) 9556 6128 (03) 5448 1420 (03) 5820 5878
WA	**Department of Child Protection and Family Support** Mandated Persons line (24 hours) General Public line (24 hours) Business hours: After hours: **Western Australia Police - Sexual Assault Squad** Phone line	 1800 708 704 1800 622 258 1800 199 00 (08) 9428 1600

7.

RESPONDING TO A REPORT

Historically, allegations of child sexual abuse were often handled with denial and concealment, resulting in a tendency to avoid properly investigating the problem. With the spotlight now firmly on child abuse, it is imperative that your organisation properly responds to any allegations of child abuse (or any misconduct) in order to protect the safety of children in your care, and minimise the risk of a legal claim being made against your organisation.

Different responses will be appropriate depending on the circumstances of the person making the report, and the level of risk or danger that is suspected. Reporters may include:

- A child reporting a concern about a staff member or volunteer;
- An adult (e.g. a worker or volunteer) reporting a concern about another staff member or volunteer; and
- A child or adult reporting a problem with a parent or carer, or someone else external to the organisation.

REPUTATIONAL RISK

Many organisations over the years have included consideration of reputational risk as part of their decision-making processes when determining their response to child abuse suspicions or allegations.

It is our strong view (and we believe it should go without saying) that any risk to a child, no matter how remote, should always trump any risks to an organisation's reputation, no matter how big or important the organisation may consider itself, or its work, or any particular individual to be.

In any case, the long-term reputational risks of not responding appropriately to such issues are almost certainly greater than those posed by public disclosure of a one-off offence or accusations of an overreaction.

First steps

As highlighted in Part Six of this toolkit, there are many circumstances under which any suspicions about child abuse must be reported to an external authority. It's best practice to default to this action even where it is not required by law – to act otherwise may put a child in danger and may leave you open to accusations of a cover up.

Whether you have engaged with an external body or not, you should act quickly to minimise any ongoing risks to the child in your care, and to your personnel or organisation as a whole. Such actions could include:

- Consulting your organisation's child-safe policy to ensure any relevant procedures are complied with;
- Standing the accused staff member/ volunteer down, or transferring them to a position that does not involve contact with children, until an investigation has been concluded;
- Providing appropriate support to the child or children involved (this may involve counselling, special consideration for assessment, or other pastoral care);
- Commencing an internal investigation (as outlined below);
- Reviewing your child protection procedures to determine whether any changes are needed to better protect the children under your care.

Child abuse is an extremely sensitive, risky and legally complex arena. As such, we strongly suggest that you seek urgent expert legal advice before taking any of the actions outlined above.

Undertaking an internal investigation

Where an allegation involves your own staff or actions on your own premises, it may be appropriate to undertake an internal investigation in parallel with a police or other external investigation.

Such investigations are inherently complex and sensitive in nature, and therefore should be conducted by an appropriately qualified investigator utilising the principles of natural justice and procedural fairness. They would generally follow a process involving the five key steps outlined below.

All participants in the investigation must be required to maintain confidentiality and should be required to sign a confidentiality agreement as part of the process. This will assist to preserve the integrity of the investigation.

1. Obtain the specific allegation/s from the complainant.

Any person receiving an allegation of child abuse should obtain and document the specific details regarding the alleged incident that occurred by asking questions such as:

- Can you tell me what happened from the start?
- When and where did the incident occur?
- Did anyone see the incident?
- Who was there?
- What was said/done?

Where the complaint amounts to a reasonable suspicion based on circumstantial evidence – and such a complaint is quite legitimate – details of the circumstantial evidence should be sought.

At this point, the person receiving the complaint needs to report the matter to an internal representative (such as the organisation's child safety officer or human resources manager) and potentially an external body (for example, the police), as per the reporting obligations outlined in Part Six.

2. Determine if it is appropriate to undertake an internal investigation at this time

If there is an external body, such as the police or a regulatory body, involved in the matter your organisation should ask that body how they want you to proceed before you undertake any internal investigation.

Such bodies may, for example, seek your assistance in investigating one aspect of the complaint (e.g. the employment-related misconduct).

Alternatively, you may be advised not to take any action internally until an external investigation is completed.

3. Appoint an investigator.

Presuming it is appropriate to undertake an internal investigation of a child abuse complaint, your next step is to appoint an appropriate investigator. Given the serious criminal nature of child abuse, it is recommended that your organisation engage a suitably qualified and independent investigator from outside the organisation. This will help ensure that the allegation has been handled transparently and independently.

In the Victorian inquiry, a former priest in the Catholic Church, Mr Phil O'Donnell, acknowledged that:

> "Many of us feel uncomfortable with only internal investigations of serious matters. An example is the police investigating police corruption/abuse. No one is saying that the police investigators are corrupt or compromised. It's just that 'in house' investigations do not inspire public confidence. The old adage, 'Not only should justice be done, it should be seen to be done,' applies in these matters. This is even more important when the investigations are of a serious criminal nature, as is child sexual assault."

If you do not know how to find a suitable investigator, please feel free to contact Moores for advice (see the back page for contact details).

4. Collect all relevant information.

All participants must be afforded procedural fairness, otherwise the findings of the investigation may not be deemed fair or reasonable, and may therefore not stand up in any potential court proceeding.

To ensure procedural fairness the respondent (alleged offender) must be made aware of the allegations made against them in sufficient detail, and must be allowed a reasonable opportunity to respond to each of the allegations. (Again, this action should not be undertaken without the express go-ahead of any external investigators.)

The investigator may then seek to interview any witnesses and collate all relevant documents. They should prepare a signed witness statement for each participant to record their version of events.

5. Produce a comprehensive report.

Based on the information collected as part of the investigation, the investigator would then prepare a comprehensive report setting out his/her findings on the balance of probabilities, as well as their reasoning for the findings.

All information collated as part of the investigation should be attached to the investigation report and stored in an appropriate location to maintain confidentiality.

8.

CHILD PROTECTION CHECKLIST

The following self-assessment tool is designed to help you:

- Assess the strengths and weaknesses of your organisation's child protection strategy;
- Ensure you are compliant with child safety legislation, common law and organisational policies and procedures; and
- Identify the resources your organisation needs in order to proactively implement a child safe environment.

There's a section for managers and a section for employees and volunteers.

In order to use this checklist most effectively, we recommend you:

- Consider each question carefully before answering, and default to 'no' if there are any answers you are unsure of;
- Encourage all managers to complete the checklist separately then compare the answers to ensure compliance is consistent across the entire organisation;
- Share the results with all managers and staff/ volunteers, along with plans to address any deficiencies;
- Pass the results of the checklist and action plans on to the board.

	Checklist for managers	YES	NO	Where to go for help
1	Do you understand the current social and legal context in your state and nationally concerning child protection?			See Part Three of this toolkit
2	Does your organisation comply with Victorian child-protection laws? (Note: while not applying to other states/territories, the Victorian laws set a good benchmark for organisations in all states and territories.)			See Part Three of this toolkit
3	Are you aware of the relevant child protection bodies operating in your state or territory?			See Part Six of this toolkit
4	Are you aware of the laws that apply in your state that protect people who make reports about suspected child abuse or neglect?			See Part Four of this toolkit
5	Has your organisation made a clear public statement about its attitude to prevention of and response to child abuse?			See Part Four of this toolkit
6	Does your organisation have a child-safe policy, and does it include:			See, for example, sample policy in the appendix of this toolkit
	a. A statement expressing the organisation's commitment to child safety;			
	b. A definition of what constitutes child abuse;			
	c. Procedures and decision-making processes that surround the organisation's interactions and involvement with children;			
	d. An outline of your organisation's recruitment and supervision processes;			
	e. Processes for identifying and managing child abuse risks;			
	f. Processes for reporting and handling child abuse concerns and complaints;			
	g. Processes for managing communication about suspected or actual child abuse, both internally and externally;			
	h. A description of the roles and responsibilities of personnel involved in protecting children, including the duty of care of the board, management, staff and volunteers;			
	i. A statement setting out the organisation's commitment to the cultural safety of culturally and/or linguistically diverse children (including Aboriginal children);			

▶

	Checklist for managers	YES	NO	Where to go for help
	j. A statement setting out the organisation's commitment to the safety of children with a disability; and			See, for example, sample policy in the appendix of this toolkit
	k. Information about how the policy is implemented, governed and reviewed?			
7	**Does your organisation have a code of conduct that establishes clear expectations of appropriate behaviour with children, and does it include:**			See, for example, the sample code of conduct (Appendix Two)
	a. Clear and specific standards of conduct for working with children in different situations relevant to the organisation;			
	b. Clear expectations of appropriate relationships with children for staff, volunteers and families (e.g. when it is appropriate for there to be physical contact, social media boundaries, etc.);			
	c. Instructions on how adults should respond to any risks adults may pose to children, or that children may pose to each other;			
	d. Guidance about how to deal with conduct that is not consistent with any applicable legislation or code;			
	e. Recognition of the needs of children from culturally and/or linguistically diverse backgrounds; and			
	f. Recognition of the needs of children with a disability and appropriate behaviour and relationships for personnel and children (e.g. appropriate ways to physically and emotionally assist a child with a disability).			
8	**Are your policies, procedures, code of conduct and other documents relating to child safety:**			
	a. Written in plain English?			
	b. Publicly available?			
9	**Have all relevant staff/volunteers received training in your organisation's child-safe policies and procedures?**			Moores can provide training tailored to your organisation's needs – see contact details on the back page ▶

	Checklist for managers	YES	NO	Where to go for help
10	**Does your organisation's recruitment practices include, at a minimum:**			See Part Five of this toolkit
	a. A documented process for recruitment that applies to all voluntary and paid roles?			
	b. Analysis of each role (prior to recruitment) to ensure an understanding of its child-safety risk context?			
	c. Inclusion of a child-safe statement in job advertisements and job descriptions?			
	d. Provision to all short-listed applicants a copy of your organisation's child protection policy and code of conduct?			
	e. Structured interviews that include questions designed to elicit information about the candidate's values, attitudes, aptitudes and work history?			
	f. An interview panel that includes at least one person with a knowledge of the dynamics of child abuse?			
	g. At least two verbal reference checks with employers who have directly supervised the selected candidate?			
	h. Google/internet checks of any shortlisted candidate?			
	i. A working with children / police check relevant to the scheme operating in your state/s or territory?			
11	**Have employee and volunteer induction materials been reviewed to ensure they comply with new child-protection laws?**			See Part Three of this toolkit
12	**Does the organisation have a system in place to ensure knowledge of and compliance with its policies and procedures?**			See Part Four of this toolkit
13	**Does the organisation have an effective internal policy and procedure for managing complaints, unsatisfactory performance and misconduct?**			See Appendix One
14	**Are staff/volunteers aware of mandatory reporting requirements applying to them?**			See Part Six of this toolkit ▶

	Checklist for managers	YES	NO	Where to go for help
15	Have staff and volunteers received training in relation to their privacy and confidentiality obligations?			Moores can provide training tailored to your organisation's needs – see contact details on the back page
16	Does your organisation make available to children age-appropriate information about what might constitute inappropriate behaviour towards them?			See Part Four of this toolkit
17	Do children under your organisation's care know who they can talk with if they are worried or feeling unsafe?			See Part Four of this toolkit
18	Does your organisation have a culture that supports the reporting of suspicions or allegations of child abuse to managers, police and other relevant authorities?			See Part Four of this toolkit
19	Does your organisation encourage open communication with families and carers?			See Part Four of this toolkit
20	Is information regarding how to make a complaint about the organisation or an employee of the organisation available to community members, including parents?			
21	Does your organisation have a stated commitment to acting immediately in relation to any reports of child abuse?			See Appendix 1
22	Does your organisation have processes in place to ensure an immediate and appropriate response to suspected or actual child abuse or neglect?			See Appendix 1
23	Are all staff/volunteers clear to whom any reports of suspect or actual child abuse or neglect should be made, and by what methods?			See Part Six of this toolkit
24	Are children within your organisation's care given the opportunity to contribute to the development of child-protection policies and procedures?			See Part Four of this toolkit
25	Does your organisation regularly (at least annually) review its child protection policies, procedures and practices?			See Part Four of this toolkit
26	Do you have in place strategies for ensuring you stay up to date with legal and other developments in this area?			See Part Four of this toolkit ▶

	Questions for staff and volunteers	YES	NO	Where to go for help
1	Are you aware of the warning signs of a potential child abuser?			The South Eastern Centre Against Sexual Assault & Family Violence **website** contains some useful information on grooming and sexual predator warning signs
2	Do you know what grooming is, and what some of the signs of grooming might be?			
3	Do you believe children in your organisation feel able to speak up about any concerns they may have about adult behaviour?			See Part Four of this toolkit
4	Do you know to whom any reports of suspected or actual child abuse or neglect should be made, and by what methods?			See Part Six of this toolkit
5	Are you aware of any mandatory reporting requirements that apply to you if you suspect child abuse.			See Part Six of this toolkit
6	Would you feel confident and comfortable to disclose to management any child safety concerns you might have?			
7	Are you aware of your obligations to children and their parents/carers regarding privacy and confidentiality?			Moores can provide training tailored to your organisation's needs – see contact details on the back page
8	Are you aware of what to do and who to contact if you receive a report of suspected child abuse or neglect?			See Part Seven of this toolkit

9.

NEXT STEPS

In the course of working through this toolkit you may have discovered that your organisation is operating in breach of the law or without a sufficient understanding of the law in this complex area.

Moores is uniquely placed to take you through the processes you need to follow in order to ensure you are compliant with the law and that you are fostering a culture of safety for the children within your organisation's care.

The lawyers at Moores have helped organisations deal with child safety issues (both prevention of and response to) for more than 40 years. Most recently, Moores has helped organisations deal with concerns of abuse / misconduct, investigate allegations, assist the Victorian Institute of Teachers and the police in relation to such concerns, helped clients through the Royal Commission process, and provided education to thousands of individuals and organisations regarding their voluntary and mandatory reporting obligations.

If you'd like to talk with us further about how we can help your organisation comply with child safety legislation, please call the Moores Not-for-Profit Assist hotline on (03) 9843 2119 or send an email to **NFPassist@moores.com.au**.

Sharing our learnings

It's crucial that we all share our learnings and communicate with each other to ensure best practice within our community when it comes to child protection.

Moores and Our Community are committed to helping to facilitate such discussions.

Sign up to receive our communications (see back page for details) to get information about our upcoming events, conferences, webinars and round-table discussions groups on child safety.

Please do also feel free to contact us with any of your queries or concerns following your review of this toolkit – we'd love to hear from you.

Contact Moores on (03) 9843 2119 or email to **NFPassist@moores.com.au**.

Appendix 1.

SAMPLE CHILD PROTECTION POLICY

Note: This is a sample policy, not a template – it should be used as a starting point only. It is available in editable format at www.communitydirectors.com.au/icda/policybank/**. You may need to consult a lawyer before finalising your organisation's own version.**

Introduction

[Name of Organisation] is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse.

Everyone working at [Name of Organisation] 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 [Name of Organisation].
2. To work towards an organisational culture of child safety.
3. To prevent child abuse within [Name of Organisation].
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.

Policy

[Name of Organisation] 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.

[Name of Organisation] has zero tolerance for child abuse. Everyone working at [Name of Organisation] 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 [Name of Organisation], all employees, workers, contractors, associates, and members of the [Name of Organisation] community.

[Name of Organisation] will consider the opinions of children and use their opinions to develop child protection policies.

[Name of Organisation] supports and respects all children, staff and volunteers. [Name of Organisation] 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.

Procedures

Responsibilities

The **Board** of [Name of Organisation] 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 Board is also responsible for ensuring that appropriate policies and procedures and a Child Protection Code of Conduct are in place.

The **CEO** of [Name of Organisation] 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 Code of Conduct;
- Ensuring that all adults within the [Name of Organisation] 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** 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.

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

- Familiarise themselves with the relevant laws, the Code of Conduct, and [Name of Organisation]'s policy and procedures in relation to child protection, 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 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.

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.

Employment of New Personnel

[Name of Organisation] 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 [Name of Organisation]'s values and commitment to protect children; and
- Prevent a person from working at [Name of Organisation] if they pose a risk to children.

[Name of Organisation] requires all workers/volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with [Name of Organisation].

For schools: Persons applying for a role as a teacher with the [School/College] must be registered with the [insert appropriate regulatory body such as the Victorian Institute of Teaching].

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

[Name of Organisation] will undertake thorough reference checks as per the approved internal procedure.

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

Risk Management

[Name of Organisation] will ensure that child safety is a part of its overall risk management approach.

[Name of Organisation] will have a risk and compliance sub-committee committed to identifying and managing risks at [Name of Organisation]. Risk and compliance sub-committee members will receive regular training in relation to child safety.

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 the CEO and also to any external regulatory body such as the police.

[Insert here relevant mandatory/voluntary reporting requirements relevant to your state. See Part Six of the Child Protection Toolkit for details.]

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 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.

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.

Privacy

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

Reviewing

Every two years, and following every reportable incident, a review shall be conducted 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

- Confidentiality Policy
- Legislative Compliance Policy
- Risk Management Policy
- Staff Recruitment Policy
- Staff Induction Policy
- Whistleblower Policy
- This policy must be read in conjunction with:
    - The law of the Commonwealth or of the relevant state or territory;
    - The organisation's Code of Conduct;
    - Termination of Employment Policy and Misconduct Procedures.

SAMPLE CHILD SAFETY CODE OF CONDUCT

Appendix 2.

Note: Within the general principles expressed here and elsewhere in this toolkit, more specific procedural provisions may be necessary to deal with particular circumstances and difficult situations – for example, sports coaching may legitimately involve some forms of physical contact, and some people with disabilities may legitimately require carefully monitored physical restraint. Such specific provisions must be developed by staff and stakeholders in the organisations that require them and cannot be prescribed on a one-size-fits-all model. The Victorian Child-Safe Standards suggest that to remove any ambiguity employees should be required to sign a statement that they agree to abide by the Code of Conduct.

If your organisation already has in place a code of conduct, you can consider incorporating the below into your existing document.

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

Management, staff, volunteers and contractors at [Name of Organisation] are required to abide by this Code.

Under the CEO, management 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 [Name of Organisation] 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 [Name of Organisation]; 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.

Appendix 3.

THE VICTORIAN CHILD-SAFE STANDARDS

As a result of its 2013 inquiry into the handling of child abuse, the Victorian Government has mandated that organisations working with children adhere to a series of standards to promote child safety, prevent child abuse and properly respond to allegations.

The context for these changes is outlined in Part Three of this toolkit.

It's worthwhile for any organisation that works with children, whatever state it's in, to work to the new Victorian standards. Some practical strategies to help you do so are provided below.

Embed an organisational culture of child safety, including effective leadership arrangements

- Ensure strategic direction, vision and mission statements include child safety.
- Provide induction/training in recognising and responding to child abuse for all personnel including at leadership level.
- Appoint an appropriately trained child safety officer/champion.
- Build responsibility for embedding an organisational culture of safety into performance arrangements and position descriptions for senior staff.
- Promote a confidential reporting culture.
- Maintain adequate records of child safety issues (ensuring the keeping of such records respect privacy).
- Institute improvements to child safety policies and procedures as a regular agenda item at leadership and staff meetings.
- Clearly communicate child safety policies and procedures to all staff, volunteers, children and families and publish policies for child safety on the organisation's website.

Have a child-safe policy or statement of commitment to child safety;

- Use our sample policy (see Appendix Two) to get you started on developing a Child Protection Policy suitable for your workplace.
- Train your staff on the policy and provide plenty of question-and-answer time to work through the practical components of how people report concerns as they arise.
- Publicly communicate your organisation's stance on child protection – on your website, in your annual report, and via recruitment advertisements.

- Ensure your child-safe policy or statement is on your website for all to see and read.
- Communicate your child-safe statement in community languages, ensuring that it is culturally appropriate for Aboriginal and people from culturally and linguistically diverse backgrounds.
- Ensure that your child-safe information is accessible for people with a disability.

Have a code of conduct that establishes clear expectations for appropriate behaviour with children:

- Update your code of conduct to include:
    - Clear and specific standards of conduct for working with children in different situations, e.g. boundaries for physical contact in sports coaching or where restraining a child with a disability who is at risk of harming themselves;
    - A set of clear principles (suitable for your organisation) about how workplace participants should behave in a child-safe environment;
    - A statement about your organisation's zero tolerance when it comes to inappropriate behaviour towards children.
- Train staff on the updated code of conduct.
- Require staff and volunteers (and all those working with children) to sign a copy of the code of conduct, acknowledging they have read it, understand it, and agree to abide by it.

Put in place screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel:

- Ensure potential applicants are aware of your organisation's commitment to child safety.
- Apply a stringent recruitment process to all appointments for roles that involve working with children.
- Ensure that your recruitment and selection processes focus on factors that may indicate a risk to child safety, i.e. "red flags" (e.g. reluctance to undergo a Working with Children Check or police check).
- When hiring or appointing personnel who will work/interact with children, ensure that they have a fulsome understanding of child safety and the relevant reporting protocols, and that they respect Aboriginal culture, cultural and linguistic diversity and the needs of children with a disability.
- Carry out appropriate working with children/police and reference checks

(See Part Five of this toolkit for more on this topic.)

Have processes for responding to and reporting suspected child abuse:

(REPORTING)

- Ensure a supportive environment for children, staff, volunteers or families who report allegations of abuse or child safety concerns – never discipline a staff member for reporting a concern (unless there is clear evidence that the complaint was made for an improper purpose such as retribution).
- Train your staff, volunteers, families and children on your organisation's reporting procedures so that they know how to report abuse allegations, and to whom.
- Train staff and volunteers on how to identify signs of risk.
- Ensure that those handling complaints understand when to notify authorities, including the police and child protection, of suspected child abuse.
- Ensure that there is an information feedback loop – that is, that the person who made the complaint knows what has been done with that information so that they can have confidence that the organisation is handling the matter appropriately.

- Publicise (e.g. on your website) the ways in which people can report concerns, tailoring messages for children and families and providing information in a variety of languages and relevant modalities (such as braille and assistive technologies, as appropriate).

(RESPONDING)

- Your first priority should always be to ensure that children are safe. This may mean that you need to suspend the alleged perpetrator and provide them with alternative duties during the carrying out of an investigation (seek legal advice before standing someone down) and contact a support person for that child, including a parent or carer as appropriate.
- Provide support and comfort to a child reporting abuse or safety concerns, and ensure that a child is never blamed or interrogated.
- Provide ongoing support to all participants in the investigation (including the alleged perpetrator) and also ensure that all participants are aware of any Employee Assistance Program or counselling services available to them.
- Regularly review your processes and policies and seek feedback on them to ensure that they are working to serve the community in which you support.

Have strategies to identify and reduce or remove risks of child abuse:

- Ensure that your risk management program includes a process designed to evaluate risks posed to children, taking into account the organisation's activities, size and resources, and the types of children you work with.
- Have a risk management committee that regularly discusses child protection and any incidents/reports that have been made with an aim of assessing and limiting/eliminating any ongoing risk.
- Remove risks to children where possible (e.g. terminate staff/. volunteers who are not suitable to work with children – seek legal advice before terminating such a relationship).
- Remove physical risks to children. The Victorian Department of Health and Human Services recommends that organisations working with children provide staff and volunteers with training in identifying children at risk of abuse and physical and organisational child abuse risks such as blocked-off/out-of-sight spaces (especially rooms with doors that can be locked), and roster staff with experience and qualifications to manage high risk environments.
- Always learn from past lessons and talk about incidents/complaints at senior management level to ensure that learnings are shared and benefited from across the organisation.

Have strategies to promote the participation and empowerment of children:

- Provide children, including children from culturally and linguistically diverse backgrounds and children with a disability, with accessible information about what child abuse is, their rights and how they can raise concerns about abuse – e.g. through information sheets, websites and social media.
- Assist children to understand their right to make decisions about their body and their privacy through age-appropriate training carried out by child safety professionals such as child psychologists.
- Gather feedback from children about your organisation's child-safe policies and processes and seek input on whether they would feel safe to raise concerns. Implement improvements based on this feedback.
- Train staff and volunteers on methods of empowering children and encouraging children's participation.
- Encourage participation and empowerment of children in a range of organisational activities (not just that relating to child safety), such as organisational planning and decision making.
- Raise awareness in the organisation and the community about children's rights.

NOTES

moores

A mid-sized law firm, Moores is one of only a few legal practices with a team dedicated exclusively to not-for-profits.

For many years now Moores has been giving strategic advice on governance, structure, tax and compliance for charities, social enterprises, community housing and disability organisations, and educational institutions across the country.

Moores lawyers advise on the opportunities and challenges that not-for-profits encounter and are focused on enabling these organisations to function efficiently and make the best use of their resources.

All this at a pre-agreed price. No estimates. No ranges. No hourly rates.

Contact Moores on (03) 9843 2119 or email to **NFPassist@moores.com.au**.

For regular not-for-profit sector legal updates, sign up to receive For the Cause Moores' blog updates: **www.moores.com.au/blog**

NFP-Assist Legal Membership Service

In partnership with Our Community, Moores is offering Institute of Community Directors Australia members the opportunity to obtain expert legal advice via Not-for-Profit Assist.

Membership of Not-for-Profit Assist gives you direct access to the expertise of lawyers who have extensive knowledge of the not-for-profit sector and are committed to providing relevant, targeted and practical advice and service.

Find out more about the membership here: **www.communitydirectors.com.au/icda/nfpassist**

ourcommunity.com.au
Where not-for-profits go for help

Certified B Corporation

The Our Community group provides advice, connections, training, and easy to use tech tools for people and organisations working to build stronger communities.

Our partners in that work are grantmakers (government and philanthropic), donors, enlightened businesses, community builders, and – of course – not-for-profit organisations themselves.

A Certified B Corporation and multi-award-winning social enterprise, Our Community's offerings include

- **OurCommunity.com.au** - Australia's centre for excellence for the nation's 600,000 not-for-profits and schools: where not-for-profits go for help
- **Institute of Community Directors Australia** - the best-practice governance network for the members of Australian not-for-profit boards, committees and councils, and the senior staff who work alongside them
- **FundingCentre.com.au** - the best place to go to get information on grants and fundraising in Australia
- **GiveNow.com.au** - commission-free online donations for not-for-profits, and giving education and tools for businesses, families and individuals
- **Communities in Control** - Australia's most inspiring annual community sector gathering: thought leadership for the not-for-profit sector
- **Australian Institute of Grants Management** - information, inspiration and education for government, philanthropic and corporate grantmakers, including Australia's favourite grantmaking solution, SmartyGrants
- **Australian Institute for Corporate Responsibility** - creating authentic connections between enlightened businesses and their communities
- **The Innovation Lab** - the engine room for sharing ideas to drive social change

Contact Our Community on (03) 9320 6800 or email **service@ourcommunity.com.au**

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