



Safeguarding Children and Young People

Policy and Procedures

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1. Policy and Procedures Statement

The St Vincent de Paul Society NSW (the Society) is committed to being a Child Safe Organisation. The Society has developed a clear, accountable and transparent Policy and Procedures to ensure that it complies with relevant legislation and that all children and young people who come into contact with the Society are kept safe and are supported to the best of our capacity.

The Society recognises the importance of diligent ongoing evaluation and review and a proactive approach to implementing and remaining current in best practices in keeping Children and Young People Safe. The Society is working towards accreditation with Child Wise (a leading not-for-profit child abuse prevention organisation) as a 'Child Safer Organisation' and is actively implementing the findings of the [Royal Commission into Institutional Responses to Child Sexual Abuse \(Royal Commission\)](#) highlighted in the Royal Commission's report '[Creating Child Safe Institutions](#)'.

The St Vincent de Paul Society's Safeguarding Children and Young People Policy and Procedures (Policy and Procedures) are organised into three broad areas:

- Responding to Concerns about Children and Young People;
- Preventative Measures to Protect Children and Young People; and
- Responding to Allegations against Society Personnel

2. Statement of Commitment

The St Vincent de Paul Society is a lay Catholic organisation that values and respects the dignity of all persons, especially the most vulnerable in our community. Safeguarding children and young people so that they thrive in their families and communities, whatever they may be, is a fundamental aspect of our work in providing a hand up to those facing adversity.

In NSW, the Society comprises the unincorporated association known as The St Vincent de Paul Society that works through local conferences and the related companies St Vincent de Paul NSW (ABN 91 161 127 340) and St Vincent de Paul Housing (ABN 41 158 167 483) trading as Amelie Housing. The Policy and Procedures apply to anyone engaged by any of these entities whether as member, volunteer or employee (together **Personnel**).

The Society strives to work with the wider community to prevent all forms of abuse against children and young people and to ensure that the inherent dignity, care and wellbeing of all children and young people is upheld.

The Society is committed to being a Child Safe Organisation and to continually assessing and evaluating its Child Safe strategies to ensure that we are vigilant in our work to support and protect children.

The Society will:

- support and nurture all children and young people who come into contact with the Society;
- promote the rights, dignity and wellbeing of children and young people;
- enable children and young people to fully participate in the Society and in their local communities;
- ensure children and young people's safety and protect them from abuse and all forms of harm; and
- always put the best interests of children and young people first.

As the Commission continues to explore the failures of institutions to protect children and young people, the Society is renewed in its commitment to safeguarding all children and young people. Accordingly it has sought external assessment by Child Wise of its Child Safe practices. The results of this assessment as well as the ongoing research from the Royal Commission and other sources will be continually incorporated into the Society's Child Safe practices.

The elements of Child Safe Institutions highlighted by the Royal Commission (available in full [here](#)) provide the basis of our commitment to safeguard children and young people.

Elements of Child Safe Institutions

1. Child safety is embedded in institutional leadership, governance and culture.
2. Children participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved.
4. Equity is promoted and diversity respected.
5. People working with children are suitable and supported.
6. Processes to respond to complaints of child sexual abuse are child focused.
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
8. Physical and online environments minimize the opportunity for abuse to occur.
9. Implementation of child safe standards is continuously reviewed and improved.
10. Policies and procedures document how the institution is child safe.

Source: <http://www.childabuseroyalcommission.gov.au/getattachment/5d0dc659-68c2-46f9-847b-faf52f58673/Creating-child-safe-institutions>

Incorporating the elements of a Child Safe Organisation, the Society is committed to:

- establishing and maintaining a child-safe environment as the main consideration in all of its activities and management practices;
- protecting the children it supports;
- understanding the nature and risks of child abuse;
- having an open and aware culture;
- disseminating the fact that child abuse can be discussed and reported safely;

- developing policies and procedures to protect children and members, volunteers and employees;
- developing and monitoring the implementation of the Policy and Procedures;
- providing training and development in safeguarding children and young people to Personnel;
- ensuring all Personnel are aware of this policy and procedures and their responsibilities in relation to safeguarding children and young people.
- ensuring all service users and participants are aware of this Policy and Procedures document and the Society's commitment to child protection;
- ensuring that voicing a concern is not viewed as an accusation; and
- ensuring members, volunteers and employees have confidence that their concerns will be dealt with professionally and confidentially.

The Society recognises that every member, volunteer and employee has an important role in the successful implementation of this policy and procedure and in safeguarding children and young people. Additionally, all those in leadership roles have additional responsibilities in ensuring the policy is implemented in their respective areas. This includes but is not limited to Regional, Central and State Council Members, Managers and Supervisors, Executives and volunteers who manage and supervise others.

3. Scope

This Policy applies to all Society members, volunteers and employees (Personnel).

4. Purpose of the Policy and Procedures

The purpose of this Policy and Procedures document is to ensure that, as a minimum, the Society

- complies with all relevant legislation;
- implements best practice in being a Child Safe Organisation including findings from the Royal Commission's report 'Elements of Child Safe Institutions'; and
- delivers on our Statement of Commitment to Safeguarding Children and Young People.

5. Related Legislation and Documentation

Legislation

The Society has processes in place to ensure that all NSW Child Protection legislative requirements are met including the requirements of the *Child Protection (Working with Children) Act 2012 (NSW)*, the *Ombudsman Act 1974 (NSW)*, the *Children and Young Persons (Care and Protection) Act 1998 (NSW)* and the *Crimes Act 1900 (NSW)*. These are referred to in this document as 'the Child Protection Legislation'.

This Policy and Procedures document is written to comply with NSW legislation. Accordingly advice should be sought in situations where the Society works across State borders.

Documents

This Policy and Procedures document should be read in conjunction with the following Society documents and their subsequent revisions:

- *Work Health and Safety Policy Statement* approved by the St Vincent de Paul Society NSW State President on 26 November 2014;
- *Code of Conduct for Members, Volunteers and Employees* approved by the St Vincent de Paul Society NSW State Council on 31 August 2013;
- *Workplace Manual 2008* approved by the Society's State Council on 1 June 2008 and modified on 11 July 2012;
- *St Vincent de Paul Society NSW_ Privacy Policy*;
- *'Speaking up' and Whistleblower Policy FACT SHEET* 2016;
- *'Speaking up' and Whistleblower Policy and Procedures* approved on 1 February 2014; and

References

- *"[Creating Child Safe Institutions](#)", Royal Commission into Institutional Responses to Child Sexual Abuse, July 2016.*
- NSW Office of the Children's Guardian, <https://www.kidsguardian.nsw.gov.au/>
- Community Services <http://www.community.nsw.gov.au/preventing-child-abuse-and-neglect>
- Ageing, Disability and Home Care, <http://www.adhc.nsw.gov.au>
- Australian Institute of Family Studies <https://aifs.gov.au/cfca/publications>

6. Definitions

In this Policy and Procedures document the following terms whether capitalised or not are defined as follows:

Term	Definition
Allegation	Means an allegation against any Society Personnel that might involve behaviour that is reportable conduct or behaviour that is exempt from notification to the Ombudsman but is required to be investigated by the agency (<i>Ombudsman Act 1974</i>).
Amelie Housing	Means St Vincent de Paul Housing (ABN 41 158 167 483) trading as Amelie Housing
Child	In this <i>Policy and Procedures document</i> : 'Child' means persons under the age of 16 years. Child is defined differently by some legislation: <ul style="list-style-type: none"> • Ombudsman Act 1974: 'Child' includes all children and young people up to the age of 18 years. • Children and Young Persons (Care and Protection) Act 1998: 'Child' includes all children under the age of 16 years. • Child Protection (Working with Children) Act 2012: 'Child' is a person under the age of 18 years. <p>This applies to children who are members, volunteers, employees, clients and members of the public. Refer also to the definition of 'young person' below.</p>
Child abuse	Means any non-accidental behaviour by parents, caregivers, other adults or older adolescents that is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm to a child or young person. Such behaviours may be intentional or unintentional and can include acts of omission (i.e., neglect) and commission (i.e., abuse). Child abuse is commonly divided into five main subtypes: <ul style="list-style-type: none"> • physical abuse; • emotional abuse; • neglect; • sexual abuse; and • exposure to domestic violence <p>(https://aifs.gov.au/cfca/publications/what-child-abuse-and-neglect)</p>
Child Protection Legislation	Means the legislation outlined in section 5.
Child-related work	Meaning is as defined by Part 2, section 6 of the <i>Child Protection (Working With Children) Act 2012</i> , as work in a specific, child-related role or face-to-face contact with children in a child-related sector. Additional roles can be found in the Child Protection (Working With Children) Regulation 2013. <u>Office of the Children's Guardian Website provides further information at:</u> http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check/about-the-check/who-needs-the-check
Child Safe	Has the meaning outlined in section 2 of this Policy and Procedures document
Child Safe Organisation	Means an organisation that is compliant with the elements identified by section 2 of this Policy and Procedures document.
Community Services	Means the NSW Department of Family and Community Services.
Concern (in relation to a	Means any information that may indicate that a child or young person is at risk. It does not mean that this concern is proven or that action will always be required but it does mean that

Term	Definition
Child or Young person)	the situation needs to be assessed by an appropriately trained person. You might become aware of a concern through: <ul style="list-style-type: none"> - a disclosure - something you observe - something someone else observes
Direct or indirect contact (with persons under 18)	Means any contact with a child or young person regardless of the role of Society personnel, the child or young person, and regardless of whether the interaction is face to face, via the phone or internet. It includes examples such as providing services to a child or a young person, a child accompanying a parent into a retail shop, phone calls with persons under 18 and children in the home during home visitation.
Disclosures	Means where a child or young person, or another adult, says something that indicates that they or another child or young person may be at risk of harm.
Duty of Care	Means a moral or legal obligation to ensure the safety or well-being of others.
Employee	Means a paid member of staff unless otherwise specified. This includes full time, part time, fixed term or casual staff and includes contractors providing services to the Society for a set time or specific task and those engaged in the performance of duties for the Society from a labour hire agency. This Policy and Procedures document does not distinguish between the roles and responsibilities of paid and unpaid Personnel unless specifically prescribed by relevant legislation.
Executive Officer	Means a SVDP NSW or Amelie Housing employee responsible for the management of SVDP NSW operations within a Central Council or other areas including providing support to conference members; and
Grooming	Means the act of preparing a child or young person with the intent of sexually abusing them, but the process also involves the act of manipulating people and situations to gain and maintain access to the victim/s. Grooming is a process that can be difficult to recognise or distinguish from seemingly innocent or everyday actions. It has two main elements: <ul style="list-style-type: none"> • Building a trusting relationship with the child or young person and his/her carers, and • Isolating the child or young person in order to abuse them. There is no one set of actions or behaviours that are used to groom a child or young person.
Head of Agency	Means the Chief Executive Officer (CEO).
Internal investigation of an allegation	This involves a process where the Society: <ul style="list-style-type: none"> • gathers all relevant facts; • makes a finding that the allegation is: <ul style="list-style-type: none"> ○ Sustained; ○ Not sustained-insufficient evidence; ○ Not sustained-lack of evidence; or ○ False-includes vexatious matters; • decides it is not reportable conduct – this includes misconceived matters; and/or • provides information to assist any relevant employment proceedings, as required.
Manager	A Manager is a Society employee responsible for the supervision of particular Society Personnel.
Mandatory reporters	Means those persons who are required by NSW legislation to make a report to Community Services they have current concerns that a child or young person is “at risk of significant harm” NSW legislation identifies mandatory reporters as: (a) 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, disability

Term	Definition
	<p>services or law enforcement, wholly or partly, to children, and</p> <p>(b) 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, disability services or law enforcement, wholly or partly, to children.</p> <p>Volunteers are not usually mandatory reporters, except in the case of volunteers who are managers.</p> <p>The following Society roles are mandatory reporters;</p> <ul style="list-style-type: none"> • All staff members in refuges, disability services, accommodation services, health services, welfare services, case work, education, child care and any Society program with persons under eighteen as clients • Member and Volunteer Support Staff • Managers, Coordinators and Supervisors who have any oversight for health care, welfare, education, children's services, accommodation services and disability services • Executive Officers • Members of the State Council and Board • Any other role that meets the definition above <p><u>Note: The Society requires all other personnel to report any concern to a mandatory reporter. All personnel retain their right to report directly to Community Services.</u></p>
Member	Means a person who is part of a St Vincent de Paul Society Conference. This is an unpaid or 'voluntary' role. For the purposes of legislative compliance, all requirements set out for volunteers in this policy and in Child Protection legislation also apply to members as Society Personnel. For the purpose of this policy, the Society does not distinguish between the roles and responsibilities of paid and unpaid personnel unless specifically prescribed by relevant legislation.
Personnel	Means any person (or group of people) engaged by the Society to assist in its works. This includes members, volunteers, employees, contractors and consultants.
Prohibited Person	Means a person convicted of a serious sex offence, the murder of a child or a child-related personal violence offence, as well as a Registrable Person under the <i>Child Protection (Offenders Registration) Act 2000</i> .
Records	Means electronic or hard copy documents, information and data stored in and retrieved electronically from the Society's and/or other Society systems and areas that enable the Society to report its activities and funding expenditures.
Registrable Person	Means a person found guilty of a registrable offence against children under the <i>Child Protection (Offenders Registration) Act (NSW) 2000</i> .
Reportable allegation	<p>An allegation of reportable conduct against a person or an allegation of misconduct that may involve reportable conduct must include:</p> <ul style="list-style-type: none"> • identification of a person who is a current member, volunteer or employee of the agency; • an alleged offence or description of offending behaviour that meets the definition of reportable conduct; and • a person who was a child (under 18) at the time of the alleged offence or behaviour described.
Reportable conduct	<p>Meaning is defined by the <i>Ombudsman Act 1974</i> as:</p> <ul style="list-style-type: none"> • any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence); or • any assault, ill treatment or neglect of a child; or • any behaviour that causes psychological harm to a child, whether or not, in any case,

Term	Definition
	with the consent of the child.
Exempt behaviours (as they relate to Reportable conduct)	<p>Means allegations against Personnel that are exempt from notification to the Ombudsman including:</p> <ul style="list-style-type: none"> a) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards; b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or c) conduct of a class or kind exempted from being reportable conduct under section 25CA of the <i>Ombudsman Act 1974</i>. <p>Examples of conduct that would not constitute reportable conduct include (without limitation) touching a child in order to attract a child's attention, to guide a child or to comfort a distressed child; a school teacher raising his or her voice in order to attract attention or to restore order in the classroom; and conduct that is established to be accidental. Sometimes an allegation may fall within more than one category.</p>
Conviction (as it relates to Reportable conduct)	<p>Means any conviction of a person, in NSW or elsewhere, of an offence involving reportable conduct, and includes a finding by a court that a charge for such an offence is proven even though the court does not proceed to a conviction (<i>Ombudsman Act 1974</i>).</p>
Risk of Significant Harm (as it relates to a Child or Young Person)	<p>A child or young person is at current "risk of significant harm" if the circumstances that are causing concern for the safety, welfare or well-being of the child or young person are present to a significant extent.</p> <p>Circumstances causing concern could include of any one or more of the following:</p> <ul style="list-style-type: none"> a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met; b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care: <ul style="list-style-type: none"> b1) in the case of a child or young person who is required to attend school in accordance with the Education Act 1990, the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act; c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated; d) the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm; e) a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm; and <p>the child was the subject of a pre-natal report under section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.</p> <p>Note. Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given" (Section 23, Children and Young Persons (Care and Protection) Act 1998 No 157).</p> <p>What is meant by 'significant' in the phrase 'to a significant extent' is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or well-being.</p> <p>Further information is available on the Community Services website at: http://www.community.nsw.gov.au/preventing-child-abuse-and-neglect/resources-for-</p>

Term	Definition
	mandatory-reporters
Serious Sex Offence	Means an offence involving sexual activity or acts of indecency or any sexual threat imposed on a child that was committed in NSW or elsewhere and is punishable by penal servitude of 12 months or more. It is also an offence if one is found to have attempted to commit or incited to commit any of the offences already described or any other offence prescribed by the regulations.
Society	Means the unincorporated association known as The St Vincent de Paul Society that works through local conferences and the related companies St Vincent de Paul NSW (ABN 91 161 127 340) and St Vincent de Paul Housing (ABN 41 158 167 483) trading as Amelie Housing.
State Council	Means the State Council of the St Vincent de Paul Society of New South Wales.
SVDP NSW	Means St Vincent de Paul NSW (ABN 91 161 127 340)
Volunteer	<p>Means a person undertaking unpaid work for the Society. For the purposes of legislative compliance all requirements of volunteers in this policy apply to members as well as all types of 'compulsory volunteers' including interns, student placements, Work for the Dole participants and mandated court orders.</p> <p>For the purpose of this policy, the Society does not distinguish between the roles and responsibilities of paid and unpaid Personnel unless specifically prescribed by relevant legislation.</p>
Worker	<p>Has the same meaning as in the <i>Child Protection (Working With Children) Act 2012</i> being any person who is engaged in work in any of the following capacities:</p> <ul style="list-style-type: none"> (a) as an employee; (b) as a self-employed person or as a contractor or subcontractor; (c) as a volunteer; (d) as a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience); or (e) as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation.
Young Person or Young People	Means those aged between 16 and 18 years, unless otherwise specified. This applies to young people who are members, volunteers, employees, clients and members of the public.

7. Key Policy Areas

The Society is committed to continuous improvement to ensure its processes and systems are in line with best practice in Child Safe Organisations.

The Society has sought external input in evaluating its Child Safety from Child Wise and is committed to implementing all Child Wise recommendations as well as addressing all elements of Child Safe Institutions. Recognising the significance of this work, the Society has prioritised the measures outlined in this Policy and Procedures document and has committed to timeframes for their implementation as detailed below.

Key Measures	Completion Date	Policy Reference
<p>All Society Personnel must report any concern about a child or young person to a mandatory reporter. All concerns must be reported internally in addition to any external reports made in line with legislative mandatory reporting requirements. The CEO will provide a regular summary report to the Boards of SVDP NSW and Amelie Housing and State Council of mandatory reports made by the Society.</p>	<p>Effective Immediately</p> <p>Communication of the new reporting requirements will be distributed to all personnel by 1st April.</p>	<p>7.1 8.1</p>
<p>All Society Personnel will have a current Working with Children Check (WWCC) and National Criminal History Record Check (Police Check).</p> <p>All new personnel will be required to provide two (2) referees and complete an interview.</p>	<p>All new members, volunteers and employees from 1st April 2017 will be required to obtain both a WWCC and Police Check, complete interview and provide two (2) referees prior to commencement.</p> <p>All existing Personnel will be required to obtain both a WWCC and Police Check by 31 December 2017.</p>	<p>7.2 8.2</p>
<p>All programs or activities with any contact with under 18s will have a risk assessment that outlines Child Safe risk management strategies.</p>	<p>Current activities by 30th June 2017.</p>	<p>7.2 8.2</p>
<p>All personnel will be required to complete Child Safe Familiarisation Training.</p> <p>All personnel who have direct or indirect contact with under 18s will be required to complete appropriate additional training.</p>	<p>Child Safe Familiarisation Training will be completed by all personnel by 31 December 2017.</p> <p>Additional training will be completed by 30 June 2018.</p>	<p>7.2 8.2</p>

Key Measures	Completion Date	Policy Reference
Child Safe Behaviours are outlined to all personnel including the consequences for non-compliance. Code of Conduct will be reviewed to include these and all personnel will be required to sign the updated Code.	Child Safe Behaviour Standards are effective immediately. Communication of the standards will be distributed to all personnel by 1 April 2017. Code of Conduct will be reviewed by 31 December 2017 and include a timeframe for all personnel to sign the new Code.	7.2 8.2
Young Members and Volunteers are supported to get involved with the Society in age appropriate ways. Minimum ages and risk management processes will be set for all activities engaging persons under 18.	Minimum ages and risk management processes for all activities will be reviewed by 30 June 2018.	7.2 8.2

7.1 Managing Concerns in Relation to Children and Young People

The Society takes very seriously its legal and moral obligations to act appropriately where there is a concern about the wellbeing of a child or young person.

The Society recognises that it encounters children and young people in different contexts throughout the organisation as:

- clients (people we assist);
- family members of clients;
- members;
- volunteers;
- employees; or
- members of the public, eg. customers of our retail shops.

The Society is committed to having robust yet flexible processes to ensure that the Society is Child Safe for all children and young people in all contexts in which they come into contact with the Society.

Managing Concerns

All Personnel must report internally any concern regarding the wellbeing of a child or young person to a designated Mandatory Reporter.

Mandatory reporters (as defined in Section 6) must, in adherence with legislation, report risk of significant harm to Community Services. Mandatory reporters must also complete internal reporting processes and document that a report has been made to Community Services.

[“Procedures for Managing Concerns relating to Children and Young People”](#) (Section 8.2) provides the appropriate processes for responding to a concern and taking the steps to determine and report risk of significant harm.

Record Keeping

Internal records of concerns relating to children and young people and copies of any reports made to Community Services or other bodies are retained permanently by SVDP NSW. Copies should also be kept at a program level and by the Executive Officer who is responsible for that area.

7.2 Preventative Measures to Protect Children and Young People

Risk Management

Throughout its work in NSW, the Society will ensure the safety and wellbeing of all children and young people in all risk management documents.

Any program or activity of the Society that has direct or indirect contact with persons under the age of 18 must have a risk assessment that outlines child safe risk management strategies.

The Society will maintain a register at a state level of all programs and activities that service clients under the age of 18. This register will include the risk assessment for each such activity.

The Society will also maintain a register of activities of all member and volunteer activities that involve persons under the age of 18.

The Executive Officer with responsibility for the relevant area is responsible for approving all activities and programs that involve children and young people and for ensuring that all activities are submitted for inclusion in the relevant register prior. All new activities must be submitted prior to commencement.

Further information is provided in [“Child Safe Risk Management Procedures”](#) (Section 8.2).

Child Safe Recruitment and Screening

The Society is committed to ensuring all of its Personnel are engaged through Child Safe Recruitment processes including Working with Children Checks, Police Checks, Reference Checks and Interviews.

Further information is provided in “Child Safe Recruitment and Screening Procedures” (Section 8.2).

Child Abuse Education and Awareness

The Society recognises the importance of education and understanding Child Abuse.

All Society Personnel will be required to complete Child Safe Familiarisation Training and those working directly or indirectly with Children will be required to complete appropriate additional training.

Child Safe Behaviours

All Society personnel are expected to demonstrate Child Safe Behaviours as outlined in '[Child Safe Behaviour Procedures](#)' (Section 8.2).

Any behavior that is not Child Safe will not be tolerated and may result in dismissal and in some cases may constitute illegal activity that will be reported to relevant authorities.

Children and Young People as Members and Volunteers

The Society recognises and values members and volunteers of all ages and is committed to enabling their participation in age appropriate ways and in providing a Child Safe Organisation for them to engage with.

To ensure participation is age appropriate and Child Safe the Society will determine agreed minimum ages and risk management processes for all activities appropriate for persons under the age of eighteen.

7.3 Responding to Child Protection Allegations against Employees, Members and Volunteers

Allegations of reportable conduct involving members, volunteers and employees must be investigated and may need to be notified to the Children's Guardian and NSW Ombudsman.

All allegations of reportable conduct must be notified to the Head of Agency.

While the primary concern of the Society at all times is the safety and care of children and young people, the Society will take all reasonable steps to adhere to the principles of procedural fairness and natural justice so that the privacy and dignity of all involved may be considered and maintained.

Section 8.3 also provides an overview of [Investigation Processes for Allegations of Reportable Conduct](#).

7.4 Breaches of this Policy

The Society recognises that to be a Child Safe Organisation it must ensure that this policy and associated procedures are complied with fully by all personnel.

The Society will take appropriate action to respond to breaches or non-compliance by a member, volunteer or employee. This includes, but is not limited to suspension or termination where necessary.

Central Council Presidents are responsible for ensuring compliance of members in their area.

Executive Officers are responsible for ensuring compliance of volunteers and employees.

Further Information is provided in 'Procedures for Breaches' (Section 8.4).

8 Procedures

8.1 Managing Concerns in Relation to Children and Young People

A concern in relation to children and young people is any information that may indicate that a child or young person is at risk. It does not mean that this concern is proven or that action will always be required but it does mean that the situation needs to be assessed by an appropriately trained person.

The Society is committed to ensuring all concerns relating to children and young people are taken seriously and assessed for risk of significant harm, in line with mandatory reporting responsibilities. This is regardless of whether the person who initially becomes aware of the concern is a mandatory reporter themselves.

All Society personnel are **also** required to report all concerns internally. This involves completing a Child Protection Notification Form (Appendix One) and sending this form, and all other documentation to the Executive Officer responsible for that area and to childprotection@vinnies.org.au. Personnel who are not mandatory reporters (as defined in Section 6) must contact a mandatory reporter as soon as possible when they identify a concern for support. This is outlined in the table and flowchart below.

Mandatory reporters should use their professional expertise as well as the [Mandatory Reporter Guide](#) (MRG) to assess potential risk of significant harm and make reports to Community Services as appropriate. They must report concerns internally **in addition to** their external reporting obligations.

The Society's requirements for managing a concerns where a child or young person is potentially at risk of significant harm are outlined in the table and flowchart below.

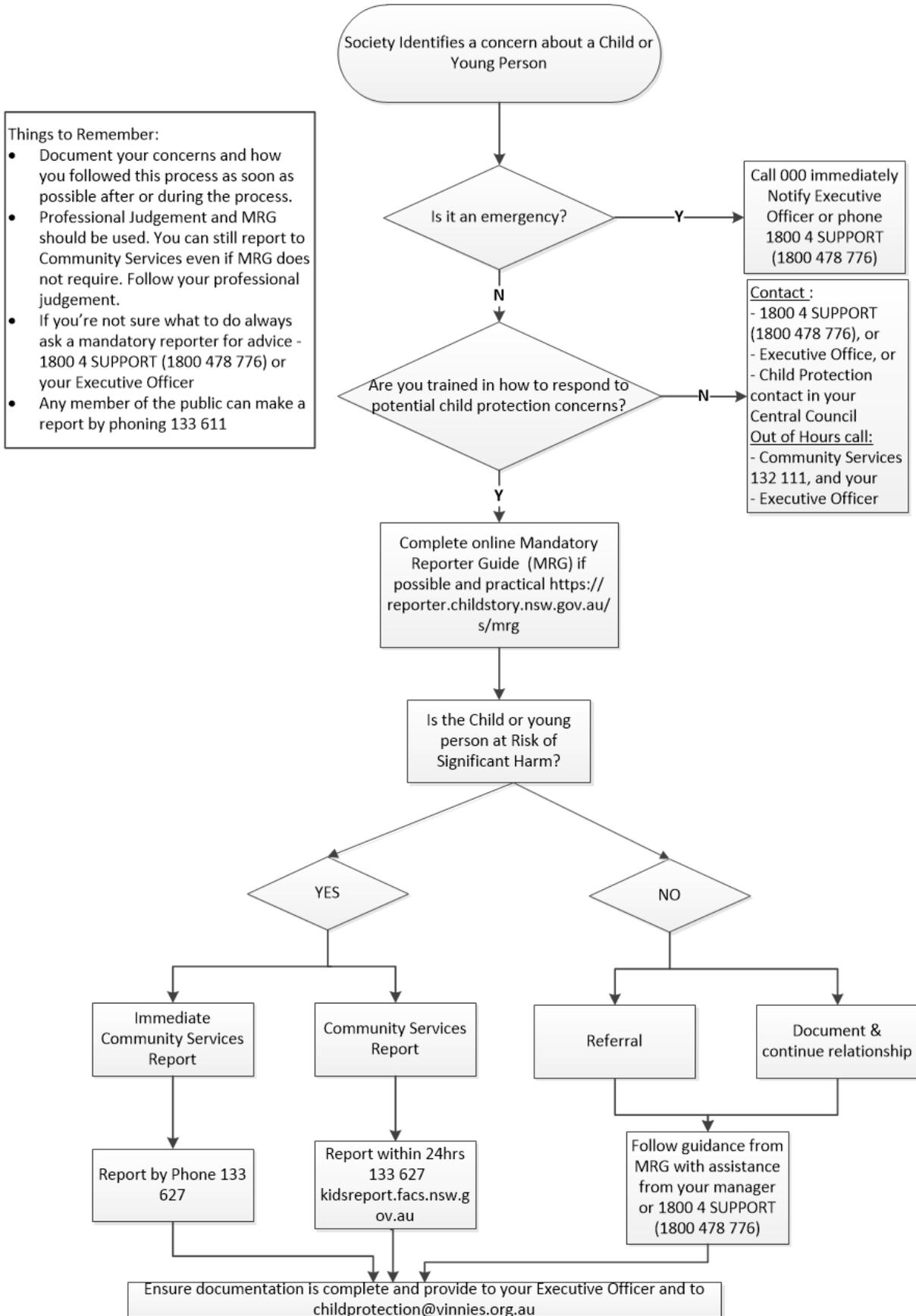
Written documentation should be made at each of these steps where possible, in time sensitive matters it may be necessary to act immediately and complete documentation as soon as possible afterwards.

Some areas of the Society may also have additional requirements to the standard process outlined below:

Steps to Respond to a Concern about a Child or Young Person

1.	<p>A Member, volunteer or employee becomes aware of or suspects a concern in relation to a child or young person as a result of</p> <ul style="list-style-type: none"> • a disclosure; or • making their own observations; or • another person's observations. <p><u>In an emergency this person should</u></p> <ol style="list-style-type: none"> 1. <u>Call Police on 000 immediately,</u> 2. <u>Alert their Executive Officer as soon as possible, and</u> 3. <u>Report to Community Services urgently on 133 627</u>
2.	<p>If the person who initially becomes aware of the concern is not a mandatory reporter they must immediately seek the support of a Society person who is trained to do so, such as;</p> <ul style="list-style-type: none"> • a professional Society Caseworker on 1800 4 SUPPORT (1800 478 776); or • an Executive Officer. • An appointed Child Protection contact in your Council or service <p>NB. Society Caseworkers at 1800 4 SUPPORT (1800 478 776) and appointed Child Protection Contacts will ensure Executive Officer is also notified.</p>
3.	<p>After gathering information available from the initial reporter, the trained person must make an assessment of whether the child or young person is at risk of significant harm based on:</p> <ul style="list-style-type: none"> • their professional judgement; • Mandatory reporter Guide(MRG); • Seeking further information from other organisations as appropriate.
4.	<p>Mandatory Reporter makes the report to Community Services if required and also completes internal report.</p> <p>Mandatory Reporters should report to 133 627 or online for non urgent matters at https://kidsreport.facs.nsw.gov.au</p>
5.	<p>Where the Risk of Significant Harm Threshold is not reached, other action may be required by the mandatory reporter. Support can be obtained from:</p> <ul style="list-style-type: none"> • their manager; • 1800 4 SUPPORT (1800 478 776); or • an Executive Officer.
6.	<p>Members, volunteers and employees involved in any report are expected to maintain the confidentiality of such matters. It is therefore expected that such matters are only discussed for the purpose of legal compliance or seeking professional advice.</p>
7.	<p>Members, Volunteers and Employees retain their right to report directly to Community Services any concern for the wellbeing of a child or young person.</p> <p>Child Protection Helpline: 132 111 (24 hours) Mandatory Reporters Child Protection Helpline: 133 627</p>
8.	<p>Documentation for this matter is collated and kept securely by Executive Officer who is responsible for that Central Council or area and childprotection@vinnies.org.au</p> <p>Documentation to be kept is:</p> <ul style="list-style-type: none"> • Society Child Protection Notification Form (attached in Appendix One) • Copy of outcome of Mandatory reporter Guide(MRG) where possible; • Reference Number from Community Services and NSW Police where applicable • All other documentation of this matter

Managing Concerns in relation to a child or young person



- Things to Remember:**
- Document your concerns and how you followed this process as soon as possible after or during the process.
 - Professional Judgement and MRG should be used. You can still report to Community Services even if MRG does not require. Follow your professional judgement.
 - If you're not sure what to do always ask a mandatory reporter for advice - 1800 4 SUPPORT (1800 478 776) or your Executive Officer
 - Any member of the public can make a report by phoning 133 611

Call 000 immediately
Notify Executive Officer or phone
1800 4 SUPPORT
(1800 478 776)

Contact :
- 1800 4 SUPPORT (1800 478 776), or
- Executive Office, or
- Child Protection
Out of Hours call:
- Community Services 132 111, and your
- Executive Officer

Complete online Mandatory Reporter Guide (MRG) if possible and practical <https://reporter.childstory.nsw.gov.au/s/mrg>

Is the Child or young person at Risk of Significant Harm?

Immediate Community Services Report

Report by Phone 133 627

Community Services Report

Report within 24hrs 133 627 kidsreport.facs.nsw.gov.au

Referral

Follow guidance from MRG with assistance from your manager or 1800 4 SUPPORT (1800 478 776)

Document & continue relationship

Ensure documentation is complete and provide to your Executive Officer and to childprotection@vinnies.org.au

Mandatory Reporting

Mandatory reporters (refer to Section Six for definition) who suspect that a child or young person is at “risk of significant harm” (the statutory threshold) **MUST** report their concerns to Community Services. “Risk of Significant Harm is defined in Section Six.

For guidance in whether a concern reaches this threshold, refer to the [Mandatory Reporter Guide \(MRG\)](#) or contact Community Services on 133 627. Mandatory Reporters should also contact 1800 4 SUPPORT (1800 478 776) or the Executive Officer for their area or their Manager for support.

Further information on how to make a report is available at:

<http://www.community.nsw.gov.au/preventing-child-abuse-and-neglect/resources-for-mandatory-reporters/how-to-make-a-report>

The Society requires **all** Personnel to also make an internal report of any concern in relation to a child or young person. The internal reporting process must be completed regardless of whether an external report is also required. See above for further information on internal reporting.

Society policy requires that Society personnel who are not mandatory reporters **must** report any concern to a designated mandatory reporter so that they may properly assess the concern for “risk of significant harm”.

All personnel retain the right to report directly to Community Services or Police regardless of whether or not they have already reported the concern internally.

Information on support or available to Society Personnel is provided in Section 8.6.

Record Keeping

The Society requires a permanent record to be kept of all concerns about the wellbeing of a child or young person. This includes concerns that have been assessed to not meet the threshold of risk of significant harm.

Documentation should include:

- Society Child Protection Notification Form (attached in **Appendix One**)
- Copy of outcome of [Mandatory reporter Guide\(MRG\)](#) where possible;
- Reference Number from Community Services and NSW Police where applicable
- All other documentation of this matter

The Executive Officer who is responsible for the relevant area must ensure these records are stored securely as well as ensuring the records are also submitted to childprotection@vinnies.org.au

The CEO will receive biannual reports of all Child Protection concerns and notifications and will report on these to the Boards of SVDP NSW and Amelie Housing and State Council.

Types of Abuse

Child Protection Legislation in NSW recognises the following types of abuse:

1. **Physical Abuse** is a non-accidental injury or pattern of injuries which are caused by a parent, caregiver, or any other person.
2. **Psychological Abuse or Harm** is any behaviour by a parent or caregiver which changes the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma.
3. **Sexual Abuse** is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust.
4. **Neglect** is the continued failure by a parent or caregiver to provide a child with the basic things needed for his or her proper growth and development.
5. **Relinquishing Care** is where the parent/carer is no longer willing to provide shelter/food/supervision for the child/young person or child/young person has been in voluntary care for longer than the legislation allows.
6. **Carer Concern** is where you have information that the child/young person is significantly affected by carer concerns (carer concerns may include: substance abuse, mental health and domestic violence).
7. **Unborn Child** is where when you are concerned for the welfare of an unborn child upon his/her birth.

The following are some possible indicators that abuse may be occurring:

- Bruising (physical abuse)
- Lacerations or welts (physical)
- Burns or scalds (physical)
- Lack of trust in people (Psychological harm)
- Extreme attention-seeking behaviour (Psychological harm)
- Difficulty sleeping (Psychological harm)
- Describing sexual acts (sexual abuse)
- Sexual knowledge or behaviour inappropriate for their age (sexual abuse)
- Regressive behaviour (sexual abuse)
- Going to bed fully clothed (sexual abuse)
- Low weight for age and/or failure to thrive and develop (neglect)
- Poor standards of hygiene (neglect)
- Child not adequately supervised for their age (neglect)
- Untreated physical problems (neglect)
- Pregnant women is homeless (unborn child)

- An adult in a household where children or young people also live has been seriously injured in a domestic violence incident (carer concern – domestic violence)

Further information on the different types of Abuse and potential indicators of abuse is provided in the 'Understanding Child Abuse Factsheet' provided at Appendix Seven.

Disclosures

A disclosure is where a child or young person, or another adult, says something that indicates that they or another child or young person may be at risk of harm.

Hearing a disclosure can be difficult, but following the 3R's – Reassure, Record, Report - can help to guide you in an appropriate response in the best interests of the child or young person.

A factsheet on disclosures and the Three R's is provided at Appendix Two.

8.2 Procedures for Preventative Measures to Protect Children and Young People

The Society's commitment to being a Child Safe Organisation means that it does everything it can to prevent any form of abuse or harm to children and young people.

These procedures outline some of the key elements of Child Safe Organisations that the Society has committed to

Risk Management

All programs or activities that have direct or indirect contact with persons under the age of 18 must have a risk assessment that explicitly addresses risks related to children and young people. It should at a minimum include the categories set out in Appendix Three.

This includes activities where children and young people are involved in all contexts including as:

- clients (people we assist);
- family members of clients;
- members;
- volunteers;
- employees; and
- members of the public, eg. customers of our retail shops.

Information and resources on creating Child Safe environments can be found on the Vintranet and the Member and Volunteer Microsite.

The template at Appendix Three provides a basic framework for a Child Safe Risk Assessment. A more comprehensive format will be needed for more complex activities.

Safety Officers, Executive Officers and the Policy and New Initiatives Team at State Support Office can provide assistance and advice in risk management.

All activities where persons under the age of 18 are involved need to be logged in the 'Under 18 Register' by emailing cypregister@vinnies.org.au

This includes:

- services that have under 18's as their clients either regularly or occasionally; and
- activities where members and volunteers are under 18.

All current activities must be logged in the Under 18 Register by 30 June 2017.

All new activities must be logged fourteen (14) days prior to commencement.

Child Safe Recruitment and Screening

To ensure all personnel are engaged through Child Safe recruitment processes the Society will introduce requirements that exceed the minimum legislative requirements including;

- a Current Working with Children Check Clearance (WWCC) for all personnel;
- a National Criminal History Check (Police Check) for all personnel; and
- conduct Child Safe Pre-employment screening for all new personnel including:
 - Child Safe Behavioural Interviews; and
 - two (2) Reference checks.

For paid Employees, the Society's "Recruitment Policy and Procedures" also apply.

Working With Children Checks

The Society will phase in the requirement for **all** personnel over the age of eighteen to obtain a working with children check regardless of their role:

- **All new members, volunteers and employees will be required to have a Working with Children Check from 1 April 2017; and**
- **All existing members, volunteers and employees will be required to obtain a Working with Children Check by 31 December 2017.**

Members, Volunteers and Employees under the age of eighteen must apply for a Working with Children Check in the three months prior to their eighteenth birthday.

Working with Children Checks are obtained and 'owned' by the individual and provided to the Society to complete online verification of their current clearance. Working with Children Checks have a five year expiry date and all Personnel will be required to renew their check before it expires in line with legislative requirements and the processes set out by the Office of the Children's Guardian.

Any person who is employed by the Society in a paid role must have an "Employee" check. Members and Volunteers are required to obtain a "Volunteer" check however

may provide the Society with an “Employee” check if they are also engaged in paid child related employment elsewhere.

The Society will not allow any person without the appropriate Working with Children Check clearance to engage in any part of the organisation without the explicit approval of the CEO.

Where a person currently engaged by the Society receives a bar or interim bar from working with children, the Society will only continue their engagement where explicit approval is provided by the CEO.

A factsheet on Working with Children Checks for members, volunteers and employees is provided at Appendix Four.

A factsheet on the Society’s responsibilities in implementing Working With Children Checks is provided at Appendix Eight.

National Criminal History Record Check

The Society will phase in the requirement for all members and volunteers over the age of eighteen to obtain a National Criminal History Record Check (Police Check) regardless of their role.

The Society will continue to require a Police Check for all employees including those under the age of eighteen.

The Police Check Policy provides full policy and procedural guidance on this check. It will be updated by 30 June 2017 to include:

- a requirement that exemptions may only be given in very limited circumstances with the approval of the CEO and where a role has:
 - no contact with clients;
 - no contact with members of the public;
 - no contact with any person under 18; and
 - no access to Society funds;
 - constant supervision by an appropriate Society person

For example, an exemption may be appropriate for a group of adults who attend an office for only one day to pack Christmas Hampers under the Supervision of a Staff Member or Conference Member(s).

- a requirement for a check to be obtained no later than three months after the eighteenth birthday of existing members and volunteers who commence their roles while under the age of eighteen;
- a requirement for checks to be obtained for all existing members and volunteers by 31st December 2017;
- a change to the rechecking requirement, whereby all members, volunteers and staff will require rechecking every 3 years regardless of their role; and
- that the Society will always complete its own check and not accept checks provided from other sources except in the case of a formal agreement with another agency.

Agreements with other agencies (such as a Work for the Dole provider, Correctional Service, Catholic Diocese or Religious Order) will require a consistent standard with the Society's own requirements or higher and must be in writing. In the case of Priests and members of Religious orders, a declaration will also be required from the individual and their Diocese or Religious Order.

A factsheet on National Criminal History Record Checks for members, volunteers and employees is provided at Appendix Five.

Behavioural-Based Child Safe Interviews

The Society requires all new members, volunteers and employees to be interviewed prior to commencement of their role from 1 April 2017.

Interviews must include behavioural interview questions and also include child safe interview questions.

The Society will develop guidelines and standard questions for conducting interviews. A Factsheet on Child Safe Interviewing and Sample questions are provided at Appendix Six.

Reference Checks

The Society requires all new members, volunteers and employees to provide the contact details of 2 referees prior to commencement of their role from 1 April 2017.

Written references will not be accepted and the Society will make direct contact with all 2 referees before offering a position.

The Society will develop guidelines and standard questions for checking references including a standard question regarding the candidate's capacity to work in a Child Safe Organisation.

Child Abuse Education and Awareness

The Society recognises that understanding child abuse is key to prevention of abuse.

Appendix Seven provides a factsheet on types of Child Abuse. Further information can be obtained at:

- [http://www.community.nsw.gov.au/preventing-child-abuse-and-neglect/what-is-child-abuse;](http://www.community.nsw.gov.au/preventing-child-abuse-and-neglect/what-is-child-abuse) and
- <https://aifs.gov.au/cfca/publications/australian-legal-definitions-when-child-need-protection>

The Society will introduce mandatory training for all members, volunteers and employees including:

- Child Safe Familiarisation Training
- Child Safe Training for Child Related Workers
- Child Safe Refresher Course

- Child Safe Advanced Course

All personnel will be required to complete at least the Child Safety Familiarisation Training by 31 December 2017.

All personnel who have direct or indirect contact with persons under 18, or who are designated mandatory reporters will be required to;

- complete 'Child Safe Training for Child Related Workers' by 30 June 2018; and
- complete 'Child Safe Refresher Course' annually thereafter.

Child Safe Behaviours

The Society expects all members, volunteers and employees to demonstrate appropriate and professional behaviours at all times around children and young people.

Any behaviour that is not child safe will be treated seriously and may result in immediate suspension or permanent removal from the Society. This may include multiple instances of minor behavioural breaches.

Behaviour that constitutes grooming, child abuse, or any other illegal behaviour will be reported to the relevant authorities.

Child Safe Standards of Behaviour

The following Child Safe Standards of Behaviour are expected by all Society personnel include;

- *Be a positive role model to children in all your conduct with them.*
- *Establish and maintain a child safe environment.*
- *Set and maintain clear boundaries about appropriate behaviour between yourself and any children and young people you are in contact with.*
- *Take all reasonable steps to protect children and young from any form of abuse or harm.*
- *Always adhere to the Safeguarding Children and Young People Policy and Procedures and all other policies relevant to your role.*
- *Act diligently and appropriately in reporting any suspicions, concerns, policy and procedural breaches, allegations or disclosures of alleged abuse to internal and external authorities.*
- *Promote and monitor the safeguarding of children and young people and participate in a culture where all staff are expected to speak up and ask questions about the safety of others.*
- *Maintain a Duty of Care.*
- *Always have another adult present when with children and young people, unless specifically approved by your line manager and the child's parent or guardian and when this is explicitly required as part of your Society related activities*

- *Always treat children and young people with care, respect, compassion and value their ideas and opinions*
- *Treat children in an equal and consistent way, and avoid favouritism, “special relationships” with certain children and/or singling particular children out. Do not give individual children gifts.*
- *Guide children’s behaviour in ways that support them to develop understandings and skills that assist them to manage their emotions and control their behaviour by themselves.*
- *Ensure that unreasonable discipline is not used to address a child or young person’s behaviour. Do not: hit or slap, force feed, yell at or belittle, humiliate a child, physically drag a child, deprive a child of food or drink, negatively label, criticise, discourage, blame or shame, make fun of or laugh at, use sarcastic or cruel humour.*
- *When considering or using restrictive practices applicable to programs working with children and young people with disabilities always adhere to guidelines and policies set out by Ageing, Disability and Home Care (ADHC) which is part of the Department of Family and Community Services. (www.adhc.nsw.gov.au)*
- *Do not have unnecessary or inappropriate physical contact with children and young people.*
- *Do not do things for a child or young person that are of a personal nature that they can do for themselves, such as going to the toilet or changing clothes.*
- *Do not visit or otherwise contact a child or young person including communication/contact through social media accounts (e.g. ‘befriending’, ‘following’, ‘tagging’), mobile phone, texting or email communication except with their parent or guardian’s consent and your manager’s approval, and only when conducting official Society duties.*
- *Do not photograph or video a child or young person without their consent and that of their guardian. Always obtain permission of a child’s parent or guardian before using the child’s name or image in any report, website or other publication. Never take photographs or videos on a personal device, always use Society property.*
- *Do not misuse spirituality or perceived spiritual leadership to control or manipulate children or young people including their emotional responses (such as fear, guilt or shame) or loyalty, for the benefit of the individual, church, institution or of another individual.*
- *Do not administer any medication to any child or young person without their parent or guardian’s consent.*
- *Notify a Society Executive Officer immediately, if you are concerned that any individual has breached these Child Safe Behaviours in any way.*

The Society will amend the *Code of Conduct* by 31 December 2017 to reflect these Child Safe behaviours and will also require all Members, Volunteers and Employees to sign the revised *Code of Conduct*.

Children and Young People as Members and Volunteers

The Society has members and volunteers of all ages and actively supports the involvement of children and young people from 5 years and up.

To ensure that these children and young people are safe when they work for us, all Society personnel will ensure that all persons that have direct or indirect contact with member or volunteers under the age of 18:

- have a current Working with Children Check and Police Check;
- are familiar with standards of Child Safe Behaviour; and
- have completed Child Safe Training Module for Child Related Workers

Some examples of direct or indirect contact with members or volunteers under the age of 18 include visiting a Mini Vinnies or High School Conference, working alongside under 18 volunteers in a retail shop or other work, contacting high school students via phone or email about a Vinnies social justice event and having a working bee with the local high school or parish youth group to pack Christmas Hampers.

It is important to ensure that Society activities are suitable and age appropriate for younger members and volunteers prior to their involvement.

The State Support Office Policy and New Initiatives Team or the Executive Officer who is responsible for the relevant area can provide advice on what activities are appropriate for younger members and volunteers.

The Society will review minimum ages and risk mitigation strategies for all activities for persons under the age of 18 by 30 June 2018.

8.3 Responding to Child Protection Allegations against Employees, Members and Volunteers Procedures

This section outlines the **additional** requirements the Society has to adhere to when an allegation involves a member, volunteer or employee.

The Society will always ensure that any potential risk of significant harm concerns are reported where required and in the case of a criminal matter that Police are also informed.

Child protection legislation imposes a more onerous standard and requires the Society to investigate allegations or convictions of “reportable conduct” or allegations of “misconduct which may involve reportable conduct” which are made against its members, volunteers and employees. In accordance with the Ombudsman Act (1974), the term ‘child’ throughout section 8.3 refers to a person aged under the age of eighteen.

For Employees, this section should be read in conjunction with the [Managing Misconduct Policy and Procedures](#).

A formal investigation must always occur if the incident fits the definition of a reportable conduct allegation as set out in Section 6 of this document. Where a matter is required to be reported to Community Services and/or Police, the Society will consult with these bodies prior to their investigation to ensure no interference with their investigations. The Society may need to delay their investigation to ensure

this but it will still conduct a formal investigation for all incidents that meet the definition of a reportable conduct allegation.

If in conflict, the legislative requirements set out by the *Ombudsmans Act 1974*, shall supersede any Society Policy requirement.

Stages in the conduct of an investigation of an allegation

The staged response by the Society to allegations of reportable conduct against members, volunteers and employees is known as “relevant proceedings”. There are five stages in a proper response to allegations of reportable conduct involving members, volunteers and employees.

This process should be followed in consultation with HR who must be notified as soon as possible after an allegation is made.

Stage One: Initial Response to an allegation

The following steps must be taken as part of the Society’s initial response to any allegation that is about a member, volunteer or employees conduct towards a child or children:

1. Clarify the allegation – exactly what has been alleged. Who, what, when, where etc?
2. Assess whether or not a child or young person is at risk of significant harm, and if so, make a report to Community Services (also refer to section 8.1)
3. Consider whether or not the allegation may constitute a criminal offence and if so, make a report to the police before taking further action (seek advice from police as to what the Society can and cannot do).
4. Assess any possible risks posed by the member, volunteer or employee to children and take any necessary interim action to ensure the safety and wellbeing of children. This may include changed duties or a suspension during the investigation process.
5. Assess whether or no the allegation relates to ‘reportable conduct; and if so ensure that a report is made to the Ombudsman within 30 days of Head of Agency becoming aware of the allegation.
6. Consider who else needs to know about the allegation as well as what to tell others who are not involved but aware (eg. Parents, other employees). Remind all parties of the sensitivity of the situation and of confidentiality requirements.
7. Address support needs of both the child and the person who is the subject of the allegation.
8. Develop a plan for the investigation based on the outcomes and decisions of these.

Further advice can also be sought from the NSW Ombudsman’s Child Protection Unit on 02 9286 1000.

Stage Two: Investigative stage

During this time, an impartial Investigator is appointed and proper enquiries are made of the child(ren) involved, the person who is the subject of the allegation, and other witnesses, by way of interview and/or the collection of other relevant information.

Stage Three: Determination of a “preliminary finding”

Based on the investigator’s report, the Society will make a “preliminary finding” as to whether, on the balance of probabilities, the allegation(s) of reportable conduct is (are) sustained, not sustained or false, or another of the outcomes listed. The Society will then set out proposed reporting to the Office of the Children’s Guardian (OCG) and any appropriate disciplinary action.

Stage Four: Final finding

After there has been a reasonable opportunity for the member, volunteer or employee to respond to the preliminary finding, either confirmation of the preliminary finding as final or revisitation of the investigation will occur, as applicable.

Stage Five: Reporting and disciplinary action

If applicable, after the completion of the preceding stages the matter will be reported by the Society to the OCG for the purposes of employment screening. The Society is also responsible for implementing any appropriate disciplinary action.

Procedural fairness

During the conduct of “relevant employment proceedings”, the requirements of procedural fairness specify that the member, volunteer or employee has:

A right to an impartial decision:

- a) The Investigators and other decision-makers should conduct all aspects of the process in an impartial and objective manner without prejudging the matters under consideration.
- b) The member, volunteer or employee should be given an unbiased hearing of his/her responses both to the matters alleged and to any proposed adverse finding or recommended disciplinary action.

A right to be heard:

- a) Prior to being interviewed, members, volunteers and employees should be advised of the allegation in as much detail as possible to enable them to respond, and should be provided with a summary of the employer’s current investigation process and/or a copy of this document.
- b) Members, volunteers and employees should be provided with reasonable notice regarding arrangements for any interview regarding the allegations, although an employee may waive the notice period and request the interview proceed at a mutually acceptable earlier time.

- c) Members, volunteers and employees should be advised of their right to have a support person present at any interview.
- d) Members, volunteers and employees should be advised of the names of the people who have been appointed by the employer to conduct the investigation. Any actual or perceived conflicts of interest should be addressed by an open and transparent process. If such concerns are not resolved, it may be advisable to appoint an alternative investigator.
- e) During the investigation phase (Stage Two) of the process, members, volunteers and employees should be provided with sufficient information to enable a response to each allegation.
- f) Members, volunteers and employees should be provided with reasonable opportunities to respond to the allegations whether at interview and/or in writing.
- g) Members, volunteers and employees should be advised of and given an opportunity to comment upon any proposed adverse finding and on any proposed reported to the Office of the Children’s Guardian and disciplinary action (“preliminary finding stage” – Stage Three). The employee’s comments should be considered prior to the final determination of the findings and disciplinary action.
- h) Normally at the preliminary finding stage, but at any stage in the process, the concerned member, volunteer or employee may access the investigation file, and shall be informed of this right.
- i) Members, volunteers and employees and parents have the right to complain to the Ombudsman if they are not satisfied with the agency’s response to their complaint about the outcome or the way the agency investigation was conducted.

Documentation and Record Keeping

- All documents relating to all allegations against members, volunteers and employees are confidential.
- Information regarding notifications to the Ombudsman are kept indefinitely and are stored in a secure location..

The person responsible for the security of records for reportable conduct is the Chief Executive Officer. The Executive Officer will have access to the records. These are persons who need to know about the allegation.

8.4 Breaches of this Policy

All personnel are required to comply with this policy and procedure; full compliance is critical to ensuring the Society is child safe.

A breach occurs when a member, volunteer or employee does not comply with this policy. This could be a result of a lack of awareness, a deliberate refusal to comply or where someone behaves in a way that is incompatible with Child Safe Behaviours. The Society works proactively to minimise breaches by providing all members, volunteers and employees with appropriate training.

The Society will take appropriate action to respond to any breach. Appropriate actions need to consider the intention and severity of the matter.

Where any person refuses to comply with this policy or has demonstrated behaviours that are not child safe, an immediate suspension or removal from any contact with children must be considered.

Measures to respond to breaches include:

- Meeting to discuss breach
- Written warnings
- Performance review
- Further education and training
- Removal from a particular role of activity while a matter is investigated (eg. Office duties only)
- Suspension pending outcome of an investigation
- Termination of engagement

Central Council Presidents are responsible for ensuring that any breach by a member in their area is responded to appropriately and in a timely manner. In serious breaches, it is appropriate to suspend a member immediately to enable a thorough review of the situation and appropriate response.

Executive Officers are responsible for ensuring that any breach by a volunteer or employee in their area is responded to appropriately and in a timely manner. In serious breaches, it is appropriate to suspend a volunteer or employee immediately to enable a thorough review of the situation and appropriate response.

Central Council Presidents and Executive Officers should consult with State Support Office (HR and/or MAVS as appropriate) before a suspension to ensure appropriate processes are followed. Where an indefinite suspension or termination occurs, it will usually be inappropriate for the person to be engaged in another role with the Society in the future. If re-engagement is considered, a full risk assessment must be undertaken with the involvement of HR and/or MAVS.

For any breach or alleged breach that is about a member, volunteer or employee's conduct towards a child or children, there are additional legislative requirements that must be considered. Refer to section 8.3 for any allegations that may fit this definition and seek advice from HR.

Documentation and Record Keeping

Documentation must be kept by the relevant manager or leader of all breaches and action taken.

All documents relating to breaches against members, volunteers and employees are confidential and must be securely stored.

8.5 Roles and responsibilities

ROLE	RESPONSIBILITIES
Everyone	<ul style="list-style-type: none"> • Take all reasonable steps to protect children and young people from abuse or harm. • Obtain a Working with Children Check and Police Check and advise the Society immediately if there is any reason why you may no longer be eligible to work with children. • Report any concern about a child or young person as soon as possible to a designated mandatory reporter in line with the Society's reporting processes. • Mandatory Reporters must also fulfil their legislative requirement to report risk of significant harm to Community Services. • Be familiar with the Society's policy for Safeguarding Children and Young People and adhere to it at all times. • Demonstrate Child Safe Behaviours at all times in the presence of children and young people. • Speak to your manager, Executive Officer or a Whistleblower Officer if you are concerned that another person is not displaying Child Safe Behaviours or breaching the Safeguarding Children and Young People policy and procedures. • Participate in the Child Safe training and induction required for your role. • Seek clarification from your manager or a more senior person if you are unsure of your responsibilities or have any questions or concerns with how to meet them. • Comply with all other Society policies and procedures including the Code of Conduct.
NSW Boards of SVDP NSW and Amelie Housing and State Council	<ul style="list-style-type: none"> • Ensure appropriate policies and procedures for safeguarding children and young people exist and are reviewed on a regular basis. • Promote the safeguarding of children and young people. • Ensure the Society complies with Child Protection legislation
CEO	<ul style="list-style-type: none"> • Ensure the development, implementation, monitoring, reporting and evaluation of policies to safeguard children and young people and report to the Board on these. • Promote the safeguarding of children and young people and a Society wide culture of safeguarding children. • Ensure the Society maintains appropriate documentation and provide reports to the Boards of SVDP NSW and Amelie Housing and State Council. • Act as Head of Agency for Reportable Conduct allegations as required by the NSW Ombudsman Act, 1974. • Act as the Society's Principal Officer for the Society's Voluntary Out of Home Care service as required by the Child Protection (Working with Children) Regulation, 2013
Central and Regional Councils	<ul style="list-style-type: none"> • Ensure they meet their duty of care to children and young people, by ensuring the implementation of this policy and procedures in their area. • Promote the safeguarding of children and young people.

ROLE	RESPONSIBILITIES
Executive Officers	<ul style="list-style-type: none"> • Ensure the Society complies with Child Protection legislation • Ensure the effective implementation of policies and procedures to safeguard children and young people in the relevant Central Council or area of responsibility. • Promote the safeguarding of children and young people and a culture of safeguarding children in their area. • Ensure all members, volunteers and employees in their area understand their responsibilities under the Safeguarding Children and Young People Policy and Procedure. • Disseminate communications about how the Society safeguards children to relevant stakeholders including members, volunteers, employees, clients, customers and the broader community. • Ensure systems and processes are in place to ensure appropriate documentation and reporting to State Support Office. • With assistance from State Support Office, ensure that recruitment, screening, supervision and training requirements are met for all Members, Volunteers and Employees. • Ensure that all reportable conduct allegations are appropriately investigated and reported to the CEO. • As a designated Mandatory Reporter, be accessible to provide support to non-mandatory reporters and fulfil legislative requirement to assess and report risk of significant harm to Community Services in line with Society procedures.
State Support Office	<ul style="list-style-type: none"> • Coordinate training and development programs for members, volunteers and employees in line with policy requirements and identified needs. • Develop communication materials to effectively promote the Society's policy and procedures to members, volunteers, employees, children and families and the broader community. • Provide support and advice to Central Councils and others on effective implementation of Safeguarding Children and Young People Policy and Procedures. • Promote the safeguarding of children and young people and a Society wide culture of safeguarding children. • Provide a mechanism for all members and volunteers and employees to receive advice and support from an experienced professional when mandatory reporting may be required.
Managers and Supervisors	<ul style="list-style-type: none"> • Promote the safeguarding of children and young people and a culture of safeguarding children in their area. • Ensure distribution of policy and procedures and implementation in their area. • Managing incidents in accordance with this and other relevant policies. • Ensuring Child Safe Behaviours are demonstrated and that all instances of unacceptable behaviour are addressed. • Ensure recruitment processes are Child Safe and that supervision is provided to all personnel. • Seek support from senior staff wherever needed and especially where there are compliance issues • Support training and development for all members, volunteers and staff in their area.

8.6 Support Available

The Society is committed to providing support to:

- any child(ren) who is (are) involved in the investigation of an allegation;
- any employee who has had an allegation made against them;
- parents or carers who have made an allegation against an employee;
- any other children or members, volunteers and employees who are affected (for example, a witness to the alleged incident involving an employee); and
- any person who experiences a disclosure.

Relevant persons will be offered assistance through the Employee Assistance Program.

8.7 Essential Contacts and Links

- **Child Protection Helpline for Mandatory Reporters**
Phone: 133 627
<http://www.community.nsw.gov.au/preventing-child-abuse-and-neglect/resources-for-mandatory-reporters/how-to-make-a-report>
- **Child Protection Helpline for General Public**
Phone: 132 111 (24 hours)
- **Online Mandatory Reporter Guide (MRG)**
<https://reporter.childstory.nsw.gov.au>
- **Online Reporting (Non urgent Reports Only)**
<https://kidsreport.facs.nsw.gov.au>
- **St Vincent de Paul Society Professional Caseworker Support:**
Phone: 1800 4 SUPPORT (1800 478 776)
- **St Vincent de Paul Society Whistle-blower Officer**
9358 8177
- **Child Wise**
<https://www.childwise.org.au/>
- **Keep them Safe Support Line**
(for help using the mandatory reporter guide)
1800 772 479
- **Police (Emergency)**
000
- **Police Assistance Line**
131 444
- **Employee Assistance Program (Access EAP)**
1800 818 728
- **NSW Ombudsman, Child Protection Unit**
02 9286 1000
<http://www.ombo.nsw.gov.au/news-and-publications/publications/fact-sheets/child-protection>

9 Review of document

This document will be reviewed every 12 months or at an earlier time if any significant new information or legislative or organisational change warrants a change in this document.

10 Appendixes

(appendixes will be hyperlinked)

Appendix One: Child Protection Notification Form

Appendix Two: Disclosures Fact Sheet

Appendix Three: Child Safe Risk Management Factsheet and Tool

Appendix Four: Working With Children Checks Factsheet

Appendix Five: National Criminal History Record (Police) Check Factsheet (TBD)

Appendix Six: Child Safe Interview Factsheet

Appendix Seven: Understanding Child Abuse Factsheet

Appendix Eight: Working With Children Check Implementation Factsheet (TBD)