

# Child Safe Policy

**Author:** Chief People Officer

## 1. Purpose

The purpose of this Policy is to articulate Workways Australia Ltd (Workways) commitment to creating safe places for children to fully and actively participate in the Programs provided by Workways.

This Policy, which embraces the Charter of Human Rights and Responsibilities Act 2006; Section 41ZA of the Child Wellbeing and Safety Act (2018) and Part 5A of the Family Violence Protection Act (2008), as well as other child safety principles, guidelines, schemes and Standards, applies to all Workways employees and mentors.

Workways also works within the framework detailed in the Family Violence and Child Information Sharing Schemes, which is aimed at removing barriers to information sharing.

***Workways Board and Executive Management Team have a zero tolerance of child abuse.***

## 2. Scope

The principles and procedures in this Policy apply to all people who work within Workways Australia entities including:

- 2.1.1. The Board of Directors
- 2.1.2. All staff (whether full time, part time, casual, permanent or temporary), and
- 2.1.3. Volunteers, trainees, contractors or consultants.

## 3. Definitions

**Child:** anyone who is under 18 years of age.

**Workways:** Workways Australia and related entities.

**Staff:** Persons performing work for Workways. All Employees, Volunteers, Contractors and Consultants are staff for the purposes of this policy.

**Workways' Values:** Respectful, Accountable, Ethical, Sustainable, Engaged.

## 4. Policy Statement

### 4.1. Workways is committed to child safety and wellbeing:

- 4.1.1. Workways wants children to be safe and empowered.
- 4.1.2. Workways supports and respects all children, as well as staff.
- 4.1.3. Workways is committed to the safety, participation and empowerment of all children.

- 4.1.4. Workways has a zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently with Workways policies and procedures.
- 4.1.5. Workways has a legal and moral obligation to contact authorities when we are worried about a child's safety, which we follow rigorously.

**4.2. Workways is committed to preventing child abuse and identifying risks early, and removing and reducing these risks:**

- 4.2.1. Workways has robust human resources and recruitment practices to reduce the risk of child abuse.
- 4.2.2. Workways is committed to regularly training and educating of all staff on child abuse risks.
- 4.2.3. Workways is committed to the cultural safety of Aboriginal children, the cultural safety of children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability.
- 4.2.4. Workways has specific policies and procedures in place that support staff to achieve these commitments.

***If you believe a child is at immediate risk, phone 000.***

## **5. Children**

**5.1. This policy is intended to empower children, who are vital and active participants in programs delivered by Workways:**

- 5.1.1. Workways involves them when making decisions, especially about matters that directly affect them. Workways listens to their views and respect what they have to say.

**5.2. Workways promotes diversity and acceptance at Workways, and people from all walks of life and cultural backgrounds are welcome. In particular, Workways:**

- 5.2.1. Promote the cultural safety, participation and empowerment of Aboriginal children
- 5.2.2. Promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds
- 5.2.3. Ensure that children with a disability are safe and can participate equally.

## **6. Staff**

**6.1. This policy guides staff on how to behave with children at Workways.**

**6.2. All staff must agree to abide by Workways Code of Conduct.**

## 7. Training and supervision

### 7.1. Training and education is important to ensure that everyone at Workways understands that child safety is everyone's responsibility:

- 7.1.1. Workways organisational culture aims for all staff, families and children to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. Workways trains staff to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse.
- 7.1.2. Workways supports staff through ongoing supervision to develop their skills to protect children from abuse and promote the cultural safety of Aboriginal children, the cultural safety of children from linguistically and/or diverse backgrounds, and the safety of children with a disability.
- 7.1.3. New staff will be supervised regularly to ensure they understand Workways commitment to child safety and that everyone has a role to play in protecting children from abuse. This will include checking that their behaviour towards children is safe and appropriate (please refer to Workways Code of Conduct for information about appropriate behaviour). Any inappropriate behaviour will be reported through appropriate channels, including the Department of Health and Human Services and Police, depending on the severity and urgency of the matter.

## 8. Recruitment

### 8.1. Workways takes all reasonable steps to employ skilled people to work with children:

- 8.1.1. Workways develop selection criteria and advertisements which clearly demonstrate Workways commitment to child safety and an awareness of Workways social and legal responsibilities. Workways understands that when recruiting staff, Workways has ethical as well as legislative obligations.
- 8.1.2. Workways actively encourage applications from Aboriginal people, people from culturally and/or linguistically diverse backgrounds and people with a disability.
- 8.1.3. All people who are engaged in child-related work and who are not exempt, including volunteers, are required to hold a Working with Children Check and to provide evidence of this check. For more information, please refer to the Workways Pre-Employment and Background Checks procedure.

## 9. Fair procedures for staff

### 9.1. The safety and wellbeing of children is Workways primary concern. Workways is also fair and reasonable to all staff.

- 9.1.1. The decisions Workways makes when recruiting, assessing incidents, and undertaking disciplinary action will always be thorough, transparent, and based on evidence.

### 9.2. Workways records all allegations of abuse and safety concerns using Workways incident reporting form. All records are securely stored.

- 9.2.1. If an allegation of abuse or a safety concern is raised, Workways provides updates to children and families on progress and actions we as an organisation take.

## 10. Privacy

**10.1. All personal information considered or recorded will respect the privacy of the individuals involved, whether they be staff, families or children, unless there is a risk to someone's safety.**

10.1.1. Everyone is entitled to know how this information is recorded, what will be done with it and who will have access to it. This is intended to protect reporters and to ensure that all members of Workways are comfortable to disclose any allegations or concerns in relation to child safety without repercussions.

## 11. Legislative responsibilities

**11.1. Workways takes its legal responsibilities seriously, including:**

11.1.1. **Failure to disclose:** All adults who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the Police

11.1.2. **Mandatory reporting:** Mandatory reporting refers to the legal requirement of certain groups of people to report a reasonable belief of child physical or sexual abuse to child protection authorities. Any worker who are mandatory reporters, are required to report as soon as practicable as per their states' legislation.

11.1.3. **Failure to protect:** People of authority in Workways commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so

11.1.4. **Reportable conduct:** Workways Executive Management Team must be made aware of any allegations of physical and sexual abuse, sexual misconduct, significant emotional or psychological harm or significant neglect by an employee or volunteer towards a child. Workways is also legally required to notify the Commission for Children and Young People of the allegation

11.1.5. **Duty of care:** If a child is abused by an individual associated with Workways, Workways is presumed to have breached its duty of care unless it can prove that it took 'reasonable precautions' to prevent the abuse in question.

## 12. Risk management

**12.1. Workways is required to protect children when a risk is identified. In addition to general occupational health and safety risks, Workways proactively manage risks of abuse to children.**

**12.2. Workways has risk management strategies in place to identify, assess, and take steps to minimise child abuse risks which include risks posed by physical environments and online environments.**

## 13. Allegations, concerns and complaints

- 13.1. Workways takes all allegations seriously and has practices in place to investigate thoroughly and quickly. Workways staff trained to deal with allegations appropriately.**
- 13.2. Workways ensures all children, families, board members, staff know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour.**
- 13.3. Workways has a responsibility to report an allegation of abuse if Workways have a reasonable belief that an incident took place. If an adult has a reasonable belief that an incident has occurred then they must report the incident. Factors contributing to reasonable belief may include:**
- 13.3.1. A child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves)
  - 13.3.2. Behaviour consistent with that of an abuse victim is observed
  - 13.3.3. Someone else has raised a suspicion of abuse but is unwilling to report it
  - 13.3.4. Observing suspicious behaviour.

### Reference Documents *(reference to legislation, acts, guidelines etc. **non** Workways documents)*

- Charter of Human Rights and Responsibilities Act 2006
- Creating Safe Environments for Children – Organisations, Employees and Volunteers National Framework (2006)
- Guidelines for Building the Capacity of Child-Safe Organisations
- Child Safety and Wellbeing Act (2005)
- National Principles for a Child Safe Organisation
- Child Safe Standards (Department of Health and Human Services, Victoria)
- Commission for Children and Young People - A Guide for Creating a Child Safe Organisation (Version 2.0 2015)
- Section 41ZA of the Child Wellbeing and Safety Act (2018) and Part 5A of the Family Violence Protection Act (2008)
- Children Legislation Amendment (Information Sharing) Act 2018
- Child Wellbeing and Safety (Information Sharing) Regulations 2018
- Institutional Child Sexual Abuse Act 2018 (Cth)

### Related Documents *(link to related policies, procedures, etc. – Workways documents)*

[Reconciliation Action Plan](#)

[Code of Conduct Policy](#)

[Recruitment and Selection Policy and Procedure](#)

[Bullying, Harassment and Discrimination Policy](#)

[Diversity, Inclusion and Equal Opportunity Policy](#)

[Human Rights Policy](#)

[Risk Management Framework](#)

[Pre-Employment and Background Checks](#)

[Child Safety Review Checklist](#)

Child Safe Standards Audit Tool