

Child Safety Policy

Intent

This Policy outlines the organisation's commitment to promoting and protecting the wellbeing and safety of children in the community and required accountabilities and procedures if they believe a child's safety is at risk. This policy should be read in conjunction with the Child Safety Reporting Procedure.

Scope

This Policy applies to all staff while engaging in all activities completed by the organisation across all areas of their business. The scope of the policy includes conduct or activities that occur at or in connection with (but is not limited to):

- All areas where the organisation performs business activity including but not limited to:
 - All ageing services including assessment, planning, CHSP services, HCP services Residential Aged Care services and Veterans;
 - NDIS Local Area Coordination Service;
 - Volunteer Services;
 - Virtual services such as Virtual Social Centre and virtual Telehealth;
 - Internally for all Feros Care staff and their families.

The organisation acknowledges that while performing duties as a staff member, that a person may witness behaviour that constitutes a threat to child safety at locations outside of the organisation's activities. In these instances, the organisation will liaise with the responsible authority to ensure proper procedures are followed and will provide support services to the person witnessing the behaviour.

Aspects of this Policy do not constrain or apply, nor are intended to interfere with normal family relationships. Family violence, child abuse and neglect (as defined below) are not considered normal family relationships.

Definitions

Blue Card Check or Working with Children Check	National check undertaken by the PSBA to determine if a person is eligible to work in the areas of child-related work covered by the Act. Click here for each jurisdiction
Carer	A parent, guardian or an adult person engaged by the parent or guardian who is responsible for a child or children.
Child/Children	In accordance with the United Nations Convention on the Rights of the Child, 'child' means every human being under the age of 18 unless under the law applicable to the child, majority is attained earlier. For the purposes of this Policy, a child is a person under the age of 18.
Child abuse	Includes sexual abuse, physical abuse or violence, serious psychological or emotional abuse and serious neglect.

Child exploitation	<p>One or more of the following:</p> <ul style="list-style-type: none"> • committing or coercing another person to commit an act or acts of abuse against a child • possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material • committing or coercing another person to commit an act or acts of grooming or online grooming • using a minor for profit, labour, sexual gratification, or some other personal or financial advantage
Child Safety Advisor	A member of staff designated with responsibility for receiving and recording reports of child abuse concerns from staff. Feros Care staff members and affiliates, providing referrals for external reporting (as appropriate) and support, and notifying relevant staff.
Direct Contact	Physical contact, face-to-face contact, contact by post or other written communication, contact by telephone or other oral communication, or contact by email or other electronic communication
Disqualifying offence	An offence is categorised as a 'disqualifying offence' under the <i>Working with Children (Risk Management and Screening) Act 2000</i> if it is an offence of counselling, procuring, committing or attempting to commit as detailed in the tables here: https://www.bluecard.qld.gov.au/disqualifying-offences.html
Harm	Harm, to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing caused by physical, psychological or emotional abuse or neglect, or sexual abuse or exploitation. Harm can be caused by a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances.
Aboriginal Kinship Care	<p>Aboriginal Kinship Care is care provided by relatives or friends to an Aboriginal child who cannot live with their parents, where Aboriginal family and community and Aboriginal culture are valued as central to the child's safety, stability and development.</p> <p>https://www.qatsicpp.com.au/images/CPP-POSITION-STATEMENT-KINSHIP-BK.pdf</p>
Family violence	Violence (either actual or threatened) which occurs within a family including physical, verbal, emotional, psychological, sexual, financial or social abuse. Family violence is a criminal offence and can be liable to prosecution.
Neglect	Neglect in relation to a child includes failure to provide an adequate standard of nutrition, medical care, clothing, shelter or supervision

	to the extent where their health or development is significantly impaired or placed at serious risk.
Police information	About a person, means the following: <ul style="list-style-type: none"> a. The person's criminal history b. Investigative information about the person c. Information as to whether the person is or has been: <ul style="list-style-type: none"> 1. A relevant disqualified person 2. The subject of an application for a disqualification order 3. Named as the respondent to an application for an offender prohibition order.
Physical abuse	Consists of any non-accidental form of injury or serious physical harm inflicted on a child. It may result from physical punishment or physically aggressive treatment and/or neglect that exposes a child to physical injury or significant harm. Physically abusive behaviour includes: shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning.
Psychological/emotional abuse	Refers to a parent or guardian/caregiver's inappropriate verbal or symbolic acts toward a child, or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Psychological or emotional abuse occurs when a child is repeatedly rejected, isolated, frightened by threats or witnesses family violence. It also includes hostility, derogatory remarks or persistent coldness from a person, to the extent where the child is disturbed or their emotional development is at serious risk of being impaired.
Queensland Public Safety Business Agency (PSBA)	The agency established to provide support services and perform other functions in relation to Queensland government public safety entities.
Regulated employment	Categories of employment regulated by the Child Protection Act. This does not include all work where there is contact with children.
Relevant Person	A person who is any of the following: <ul style="list-style-type: none"> a. a doctor b. a registered nurse c. a teacher d. a person engaged to perform a child advocate function under the Public Guardian Act 2014 e. an early childhood education and care professional.

Reportable Suspicion	Reasonable suspicion that the child <ul style="list-style-type: none"> a. has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse b. may not have a parent or guardian/carer able and willing to protect the child from the harm.
Sexual abuse	A child is sexually abused when any person uses authority or power over a child to engage in sexual activity. It includes sexual offences and involves a wide range of sexual activity, including exposure to pornography.
Volunteer	A person who is acting on a voluntary basis for the Feros Care (irrespective if the person receives out of pocket expenses).

Policy

1. Commitment

- 1.1 The organisation acknowledges that children are part of the community in which we provide our services;
- 1.2 The organisation is committed to child safety and promoting children's best interests and ensuring the involvement of families and kinship models of care. This includes the cultural safety of Aboriginal and Torres Strait Islander children, international children, culturally and linguistically diverse children and children with a disability/special needs;
- 1.3 The organisation will not tolerate any form of child exploitation or abuse. This approach is universally adopted across all of the organisation's business activities and interaction with the community. The organisation will actively respond to any child exploitation or abuse or neglect allegations.
- 1.4 As a child safe organisation, the organisation consciously and systematically:
 - creates an environment where children's safety and wellbeing is the centre of thought, values and actions;
 - places emphasis on genuine engagement with and valuing of children;
 - creates conditions that reduce the likelihood of harm to children and young people;
 - creates conditions that increase the likelihood of identifying any harm; and
 - responds to any concerns, disclosures, allegations or suspicions of harm.

2. Professional Behaviours

- 2.1 Staff members who work or have contact with children as part of their working activity are expected to adhere to the following behaviours:
 - treat all children with respect;
 - encouraging children or young people to 'have a say' and participate in relevant activities;

- listening and appropriately responding to the views and concerns of children and young people;
- being mindful that children and young people are not easily identified when integrated into an ageing business environment;
- be open and transparent
- respecting the privacy of adults and young people and only disclosing information to people who have a need to know;
- comply with all relevant Australian State or Federal legislation and in-country legislation, including labour laws in relation to child labour;
- immediately report concerns or allegations of child exploitation and abuse and policy noncompliance in accordance with appropriate procedures;
- immediately disclose all charges, convictions and other outcomes of an offence that relates to child exploitation and abuse and/or neglect including those under traditional law, which occurred before or occurs during the organisation activity;
- be aware of behaviour and avoid actions or behaviours that could be perceived by others as child exploitation and abuse and or/neglect;

2.2 Unacceptable behaviours include but are not limited to:

- language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- engaging children under the age of 16 in any form of sexual activity;
- using any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access child exploitation material through any medium;
- exchanging personal contact details, for example, phone numbers, social networking sites or email addresses with children or young people or their families unless required to by specific work-related circumstances;
- using physical punishment on children;
- hiring children for domestic or other labour which is inappropriate given their age or developmental stage; which interferes with their time available for education and recreational activities; or which places them at significant risk of injury;

2.3 These unacceptable behaviours are not intended to interfere where there is a family relationship with the child.

3. Working with Children Checks (Blue Cards)

3.1 The Working with Children Check is a screening process that assesses your suitability to work with children based on known disciplinary and police information. People who work in care services, must hold a blue card or an exemption card to comply with the *Working with Children (Risk Management and Screening) Act 2000*.

3.2 The organisation requires staff whose roles involve direct contact with children as part of their duties to obtain and maintain a Working with Children Check. These are listed Schedule A of the Working with Children Check (Blue Card) Procedure. In particular:

- **Local Area Coordinators** - All LAC staff members are required by law and the NDIA Grant Agreement to hold a valid Working with Children's Check.

3.3 Persons who are employed or otherwise engaged by the organisation who hold a Blue Card and are issued with a Disqualification Order issued by a court or who have been charged with a disqualifying offence are subject to management action detailed in the Working with Children Check Procedure.

4. Employment of Children

As per legislation, school-aged children can only be employed outside of school hours and with the permission of their parent/guardian. The minimum age for employment as per the *Child Employment Regulation 2016* is 13. Whilst the organisation has the capacity to employ-school aged children, this should be an exceptional circumstance only.

5. Responsibilities and Accountabilities

Every staff member, has obligations under this Policy with the following positions having further obligations:

- **Chief Executive Officer and the Executive Team:** ensuring critical incident and emergency response obligations meet the welfare requirements for all children under 18 years, as well as reporting obligations to external bodies as required by laws and regulations;
- **Human Resource Manager:** procedural guidance on recruitment and development of Position Descriptions of staff who may require Blue Cards, and the employment of children;
- **Manager, Quality, Risk and Compliance:** Ensuring compliance with all relevant federal and state legislation requirements and ensuring all policies and procedures remain updated and communicated to staff as changes occur;
- **Child Safety Advisor:** The Chief Operating Officer (COO) responsible for LAC will take the role of Child Safety Adviser for the organisation and the Service Area Managers (SAMs) in each local service area are nominated for receiving and recording reports of child abuse and neglect concerns from staff members, providing referrals for external reporting (as appropriate), and notifying relevant staff.
- **Staff members:** maintenance of Working with Children Check or Blue Card where an inherent requirement of employment. Notification to management of any matter which may result in a disqualifying offence or issuance of a Disqualification Order.

6. Reporting

- It is mandatory for all relevant staff to report immediately to [the police or relevant reporting authorities](#) any suspected or alleged case of child exploitation, abuse, neglect or policy non-compliance by anyone within scope of the Policy in connection with the organisation's activities;
- Staff must report any behaviour that is suspected of being child exploitation or abuse or neglect;
- The organisation may have other reporting obligations in accordance with the Child Protection Act, and other contracts national codes, guidelines or standards to which it may subscribe from time to time (see also Related Documents and Legislation);
- Where an individual has already reported, but becomes aware of additional information, the individual must also report that information.

The reporting of these situations should follow the Child Safety Response and Reporting Procedure.

7. Reporting of Child Sexual offences that occurred in the past – Queensland only

The Queensland Government has implemented legislation, the **Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020** to strengthen the protection of children from offences of a sexual nature. Previously only certain adults had legal obligations to report suspected harm to children (including suspected sexual abuse).

This change means that if a staff member receives information after 5 July 2021 that leads the staff member to reasonably believe a sexual offence has been committed against a child, and the staff member does not have a reasonable excuse for not reporting, they must report it to the Police - even if the abuse happened a long time ago. The following link sets out the information about this requirement, including scenarios and the explanation of a reasonable excuse:

<https://www.qld.gov.au/law/crime-and-police/types-of-crime/sexual-offences-against-children/failure-to-report>

If a staff member received information before 5 July 2021, they do not have to report it under the new laws. However, if the victim is currently under 18, the staff member may need to report it under other reporting obligations, such as to Child Safety if the mandatory reporting laws apply.

The reporting of these situations should follow the Child Safety Response and Reporting Procedure.

8. Confidentiality

Confidentiality is required for any matter that may give rise to misconduct allegations as a result of a breach of this Policy. Information and records about Child Safety and Child Abuse are only divulged to those with direct involvement (either internally or externally, e.g. Police) with the following exceptions:

- where there is risk of harm to a person or persons, it may be necessary to breach confidentiality;
- where the matter is subject to legal proceedings or other action which require the presentation of organisation records by way of subpoena or similar; or
- where there is a clear public interest or obligation to share information (such as a duty to disclose information to a professional accreditation board, or a duty to report under legislation).

8. Record keeping

- All records, notes produced and documents considered as part of child safety reporting must be stored on an appropriate, confidential file. The file must be created and stored in line with organisational policy.

9. Learning and Development

- All staff will complete relevant learning modules specific to child safety and reporting procedures;
- Nurses who are new to the organisation will be made aware of their legal obligation to report child abuse as mandatory reporters and receive updated training on the organisation's child safety policies and procedures.

10. Related Documents and Legislation

External documents and legislation:

- [Reporting Child Abuse and Neglect](#), Australian Government, Child Family and Community Australia
- [Australian Child Protection Legislation, Federal and State Laws](#), Australian Government, Child Family and Community Australia
- [National Principles for Child Safe Organisations](#), Australian Human Rights Commission
- **Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020 (Queensland)** – <https://www.qld.gov.au/law/crime-and-police/types-of-crime/sexual-offences-against-children/failure-to-report>

Internal organisational documents:

- Child Safety Commitment Statement
- Child Safety Response and Reporting Procedure
- Working with Children Check (Blue Card) Procedure
- Bullying, Discrimination and Harassment Complaint Procedure
- Code of Conduct
- Misconduct Procedure