

1.0 INTRODUCTION

Kids in Philanthropy acknowledges the Traditional Owners of the land on which we operate. We acknowledge and respect their contributions, experience and knowledge as First Nations people. We pay our respects to Elders, past, present, and emerging.

This Child Safety and Wellbeing Policy was approved by the Board on 30 June 2022. It demonstrates the strong commitment of management, staff and volunteers to child safety and wellbeing, and how Kids in Philanthropy keeps children safe from harm, including child abuse.

1.1 PURPOSE

This Policy outlines how KiP prioritises the safety and wellbeing of children and young people, and what steps we will take to do this.

1.2 SCOPE

This policy applies to all staff, volunteers, Board and Committee members, children, young people, and other individuals involved in Kids in Philanthropy.

1.3 DEFINITIONS

Abuse is an act or acts which endanger a child or young person's health, wellbeing and/or development. This abuse and resulting harms can be from a single event or the cumulative effect of multiple traumatic events occurring over time. It includes:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Exposure to family violence
- Neglect
- Grooming
- Multi-dimensional harm

Child means a person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

Child protection means any responsibility, measure or activity undertaken to safeguard children from harm.

Child Safe Standards - The Victorian Government Department of Health and Human Services has identified seven areas (standards) that organisations need to consider to ensure that they have child safe practices, systems and cultures.

Child sexual assault is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and

establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

A **complaint** is an expression of dissatisfaction to Kids in Philanthropy related to one or more of the following:

- our services or dealings with individuals
- allegations of abuse or misconduct by a staff member, a volunteer or another individual associated with Kids in Philanthropy
- disclosures of abuse or harm made by a child or young person
- the conduct of a child or young person at Kids in Philanthropy
- the inadequate handling of a prior concern
- general concerns about the safety of a group of children or activity.

Harm is damage to the health, safety or wellbeing of a child or young person, including as a result of child abuse by adults or the conduct of other children. It includes physical, emotional, sexual and psychological harm. Harm can arise from a single act or event and can also be cumulative, that is, arising as a result of a series of acts or events over a period of time.

Reasonable grounds for belief is a belief based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a reasonable person believes that:

- (a) The child is in need of protection,
- (b) The child has suffered or is likely to suffer "significant harm as a result of physical injury",
- (c) The parents are unable or unwilling to protect the child.

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation.

A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed if:

- a) A child states that they have been physically or sexually abused;
- b) A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- c) Someone who knows a child states that the child has been physically or sexually abused;
- d) Professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or
- e) Signs of abuse lead to a belief that the child has been physically or sexually abused.

1.4 RESPONSIBILITIES

The **Board** of KiP has ultimate responsibility for ensuring:

- the organisation prioritises children's safety
- action is taken when anyone raises concerns about children's safety
- the detection and prevention of child abuse
- appropriate and effective internal control systems are in place.

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

The Board will champion and model a child safe culture at KiP and encourage anyone involved with the organisation to report a child safety concern. The Board will work to create a positive culture around reporting so that people feel comfortable to raise concerns.

Everyone at KiP has a role in identifying and managing risks of child abuse and harm. The Board will make sure that staff and volunteers are conducting risk assessments and taking action to manage risks in accordance with this policy. The Board will also ensure that appropriate child safety training for staff and volunteers is identified and completed.

The Board will conduct an annual review of how effectively KiP is delivering child safety and wellbeing. The input of people involved with KiP will be sought as part of this review.

The **CEO** of KiP is responsible for:

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

The Board and sub-committee members, and management should be familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct.

All board and sub-committee members **staff/volunteers/contractors** share in the responsibility for the prevention and detection of child abuse, and must:

- Familiarise themselves with the relevant laws, the Code of Conduct, and KiP's policy and procedures in relation to child protection, and comply with all requirements;
- Report any reasonable belief that a child's safety is at risk to the relevant authorities (such as the police and / or the state-based child protection service) and fulfil their obligations as mandatory reporters;
- Report any suspicion that a child's safety may be at risk to their supervisor (or, if their

- supervisor is involved in the suspicion, to a responsible person in the organisation);
and
- Provide an environment that is supportive of all children’s emotional and physical safety.

2.0 IMPLEMENTATION

2.1 STATEMENT OF COMMITMENT

KiP is committed to promoting and protecting at all times the best interests of children involved in its programs.

All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from abuse.

KiP has zero tolerance for child abuse. Everyone working at KiP is responsible for the care and protection of the children within our care and reporting information about suspected child abuse.

Child protection is a shared responsibility between KiP, all board and sub-committee members, employees, volunteers, workers, contractors, associates, and members of the KiP community.

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

KiP supports and respects all children, staff and volunteers. KiP is committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.

If any person believes a child is in immediate risk of abuse, telephone 000.

2.2 CULTURAL SAFETY FOR ABORIGINAL CHILDREN

Kids in Philanthropy is committed to creating environments where Aboriginal culture is celebrated and Aboriginal children, families and community members are welcomed and included. Strategies to embed cultural safety for Aboriginal children include:

- an Acknowledgement of Country at all sessions
- consulting with families and members of the Aboriginal community to identify opportunities to promote Aboriginal culture and practices in KiP’s programs
- celebrating NAIDOC Week and acknowledging significant events including National Sorry Day and National Reconciliation Week
- seeking feedback from Aboriginal children, families and communities on their experience/s with Kids in Philanthropy

2.3 CHILD PARTICIPATION AND EMPOWERMENT

Kids in Philanthropy will aim to ensure:

- reporting procedures are accessible for all children and young people

- children and young people understand their rights and understand what abuse is and how they can seek support or advice (in an age appropriate manner)
- children feel safe, empowered and taken seriously if they raise concerns
- children feel empowered to contribute to the Kids in the Philanthropy's understanding and treatment of child safety
- children's reports of concern are responded to appropriately
- staff and volunteers understand how to empower children and encourage their participation

2.4 CHILD, FAMILY AND COMMUNITY PARTICIPATION

Kids in Philanthropy acknowledges the importance of empowering children and young people to be active participants in KiP's programs, through seeking and taking their voices seriously. KiP also strives to hear children and young people's voices as active community members, by involving them and their parents or carers and families when making relevant decisions, especially about matters that directly affect them.

Children, young people, parents, families and communities are welcome to provide feedback at any time through KiP's contact email address and are encouraged to raise any concerns they have with us.

Kids in Philanthropy provides information to families and community about our child safe policies and practices through:

- publishing this Child Safety and Wellbeing Policy and Code of Conduct on the KiP website
- ensuring that child safety is a regular agenda item at Board meetings for discussion

2.5 VALUING DIVERSITY

Kids in Philanthropy values diversity. To achieve this, we:

- Welcome and support the cultural safety, participation and empowerment of all children, including children with disability, children from culturally and linguistically diverse backgrounds, LGBTIQ children and Aboriginal children and their families
- Seek to recruit appropriate candidates from culturally and/or linguistically diverse backgrounds
- Commit to ensuring our sessions promote inclusion of children of all abilities
- Have a zero tolerance of racism and other forms of discrimination and take action when discrimination or exclusion is identified. Any occurrence of discrimination will be investigated with findings of the investigation enacted with the full support of the Board
- Acknowledge and celebrate important cultural dates
- Ensure all employees and volunteers adhere to KiP's Equal Employment Opportunity and Bullying Policies

2.6 REPORTING AND RESPONDING TO CHILD SAFETY CONCERNS

Kids in Philanthropy is committed to complying with all our legal and moral responsibilities regarding the safety and wellbeing of children.

Kids in Philanthropy takes all allegations of child abuse seriously and provides a clear reporting process that is available to all staff, volunteers and workers ([refer to Appendix A](#)). All allegations will be investigated fairly and appropriately; and reported to the relevant authorities.

A Child Safety Officer has been appointed to receive initial reports regarding concerns about the conduct of staff, volunteers and workers towards children and to assist with the investigation process and reporting to external agencies.

2.6.1 PRIVACY

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

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

2.7 RISK MANAGEMENT

In addition to general occupational health and safety risks, Kids in Philanthropy works proactively to identify, assess, minimise and eliminate risks to the safety and wellbeing of children. This includes but is not limited to the physical and online environments.

Regular analysis of child protection reports, breaches of child safe policy and procedures, internal investigations and other serious incidents is undertaken and reported to the Board to identify ways to strengthen child safety and risk management in the organisation.

2.8 RECRUITMENT, SELECTION, SCREENING, AND SUPPORT

KiP undertakes a comprehensive recruitment and screening process for all board and sub-committee members, workers and volunteers which aims to:

- Promote and protect the safety of all children under the care of the organisation;
- Identify the safest and most suitable people who share KiP's values and commitment to protect children; and
- Prevent a person from working at KiP if they pose a risk to children.

KiP requires all board and sub-committee members/workers/volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with KiP. There is also a requirement for all position descriptions and job advertisements to state that the Kids in Philanthropy is a child safe organisation.

KiP may require applicants to provide a police check in accordance with the law and as appropriate before they commence working at KiP and during their time with KiP at regular intervals.

KiP will undertake thorough reference checks as per the approved internal procedure.

In addition to this, all people engaged in child related work, including staff, volunteers and workers are required to hold a valid WWCC and provide evidence, including a copy of the WWCC.

KiP’s Code of Conduct for working with Children and Young People provides clear guidance regarding appropriate behaviour, including how all staff, volunteers and workers are expected to behave with children. All staff, volunteers and workers are required to agree to abide by the Code of Conduct.

Kids in Philanthropy recognises that training and supervision is important to ensure that all staff, volunteers and workers understand their responsibilities to keeping children safe. All staff, volunteers and workers will be provided with mandatory induction, training and ongoing supervision and support to help maintain a child safe organisation; and will be informed about changes to relevant policy and procedures as required.

2.10 NON-COMPLIANCE WITH THIS POLICY

Kids in Philanthropy will enforce this policy and the Code of Conduct. Potential breaches by anyone will be investigated and may result in restriction of duties, suspension or termination of employment or engagement or other corrective action.

2.11 MONITORING AND REVIEW

KiP will review all child safe practices and policies at least every two years. KiP also reviews relevant practices and policies in response to a child safety incident or ‘near miss’. Findings from reviews will be reported to the people involved in our organisation and also inform our approach to continuous improvement of our child safety practices. Reviews are overseen by the Board, and will be informed by consultation with children, families and staff.

Authorised by	Date authorised	Date of effect	Review date
Board of Directors	30/6/2022	30/6/2022	June 2024

2.11 REFERENCES AND RELATED DOCUMENTS

Relevant Legislations and Standards:

- Child Wellbeing and Safety Act 2005 (Vic) (including Child Safe Standards)
- Children, Youth and Families Act 2005 (Vic) (including reporting to Child Protection)
- Crimes Act 1958 (Vic) (including Failure to Protect and Failure to Disclose offences)
- Equal Opportunity Act 2010
- Victorian Working with Children Act 2005 and Amendment 2014
- Victorian Child Safe Standards
- National Principles for Child Safe Organisations

Organisational Policies & Procedures:

- Child Safety and Wellbeing Policy
- Code of Conduct for working with Children & Young People
- Privacy Policy
- Incident Form

APPENDIX A: REPORTING AND RESPONDING

Any board and sub-committee members, staff member, volunteer or contractor who has grounds to suspect abusive activity must immediately notify the appropriate child protection service or the police. They should also advise their supervisor about their concern.

In situations where the supervisor is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the next highest level of supervision.

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

The table below sets out the key features of Victoria’s mandatory and voluntary reporting duties. In the state of Victoria, a person under 17 years old is considered a child.

Mandatory reporting obligations	Legislation	Mandated reporters	When must a report be made?	Who is a child?
VIC	<i>Children, Youth and Families Act 2005 (Vic)</i>	<ul style="list-style-type: none"> Registered medical practitioners, midwives and registered nurses Teachers registered or granted permission to teach under the Education, Training and Reform Act 2006 Principals Police 	<p>A mandated reporter must make a report if:</p> <ul style="list-style-type: none"> They form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse; The parents cannot or will not protect the child; and The belief is formed in the course of practising his/her position of employment. <p>NB: exceptions may apply.</p>	A person under 17 years old
CTH	<i>Family Law Act 1975 (Cth)</i>	<ul style="list-style-type: none"> the Registrar or a Deputy Registrar of a Registry of the Family Court of Australia; the Registrar or a Deputy Registrar of the Family Court of Western Australia; 	<p>A mandated reporter must make a report if, in the course of performing their duties, functions or powers, they have reasonable grounds for suspecting that:</p> <ul style="list-style-type: none"> a child has been abused; or a child is at risk of being abused. 	A person under 18 years old

		<ul style="list-style-type: none"> • a Registrar of the Federal Circuit Court of Australia; • a family consultant; • a family counsellor; • a family dispute resolution practitioner; • an arbitrator; or • a lawyer independently representing a child's interests. 		
Voluntary reporting obligations	Legislation	Voluntary reporters	When can a report be made?	Who is a child?
VIC	<i>Children, Youth and Families Act 2005 (VIC)</i>	Any person	A voluntary reporter may make a report if the person has a significant concern for the wellbeing of a child.	A person under 17 years old
CTH	<i>Family Law Act 1975 (Cth)</i>	<ul style="list-style-type: none"> • the Registrar or a Deputy Registrar of a Registry of the Family Court of Australia; • the Registrar or a Deputy Registrar of the Family Court of Western Australia; • a Registrar of the Federal Circuit Court of Australia; • a family consultant; • a family counsellor; • a family dispute resolution practitioner; • an arbitrator; or • a lawyer independently representing a child's interests. 	<p>A voluntary reporter may make a report if, in the course of performing their duties, functions or powers, they have reasonable grounds for suspecting that a child:</p> <ul style="list-style-type: none"> • has been ill treated, or is at risk of being ill treated; or • has been exposed, or is at risk of being exposed to behaviour which psychologically harms the child. 	A person under 18 years old

MAKING A REPORT

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

Department of Health and Human Services

During business hours – contact the appropriate local government area:

Northern and western suburbs	1300 664 977
Eastern suburbs	1300 360 391
Southern suburbs	1300 655 795
South-western rural and regional	1800 075 599
Western rural and regional	1800 000 551
North-western rural and regional	1800 675 598
North-eastern rural and regional	1800 650 227
Eastern and south-eastern rural and regional	1800 020 202

After hours and to report concerns about the immediate safety of a child:

Child Protection Crisis Line (24 hours)	13 12 78
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Victoria Police - Sexual Offences and Child Abuse Investigation Team (SOCIT)

Contact the appropriate local office:

North-West Metropolitan	(03) 8690 4056
Southern Metropolitan	(03) 9556 6128
Western Victoria	(03) 5448 1420
Eastern Victoria	(03) 5820 5878

INVESTIGATING

If the appropriate child protection service or the police decide to conduct an investigation of this report, all employees, contractors or volunteers must co-operate fully with the investigation.

Whether or not the authorities decide to conduct an investigation, the CEO will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any proceeding of the authorities, the CEO may decide to conduct such an investigation. All employees, contractors and volunteers must co-operate fully with the investigation.

Any such investigation will be conducted according to the rules of natural justice.

The CEO will make every effort to keep any such investigation confidential; however, from time to time other members of staff may need to be consulted in conjunction with the investigation.

After an initial review and a determination that the suspected abuse warrants additional investigation, the CEO shall coordinate the investigation with the appropriate investigators and / or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

RESPONDING

If it is alleged that a member of staff, contractor or a volunteer may have committed an offence or have breached the organisation's policies or its Code of Conduct the person concerned may be stood down (with pay, where applicable) while an investigation is conducted.

If the investigation concludes that on the balance of probabilities an offence (or a breach of the organisation's policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organisation. The findings of the investigation will also be reported to any external body as required.