

Caringa Australia is committed to Child Safety. This means that:

- We believe all children and young people have a right to be safe, happy and empowered.
- We support and respect all children, as well as our staff and volunteers. We are committed to the environmental and cultural safety of Aboriginal and Torres Strait islander children and children from culturally and linguistically diverse backgrounds and to ensuring safe environments for children with a disability
- We support zero tolerance of child abuse by treating all allegations and safety concerns with the highest priority, immediacy, and seriousness in accordance with our robust policies and procedures.
- We rigorously adhere to our legal, moral and ethical obligations to contact relevant authorities in the event of allegations of abuse or if we have concerns about a child's safety.
- We are committed to preventing child abuse by early risk identification and the removal or reduction of these risks.
- We are committed to regularly training and educating our staff and volunteers on child abuse indicators and risks
- Our recruitment processes for all staff and volunteers are underpinned by robust recruitment practices and screening process
- We have and will continue to develop and review specific policies procedures and training that support and direct our leadership, management, staff, and volunteers to ensure we meet these commitments.

If you believe a child is at immediate risk of abuse phone 000

Record of Policy Development

Version	Date Approved	Date for Review
2	25/11/2020	25/11/2021

Responsibilities and Delegations

This policy applies to	Board of Directors, Senior Management, and All other Caringa staff and volunteers
Specific Responsibilities	See Roles and Responsibilities Section below.
Policy Approval	Board of Directors

Policy Context- This policy relates to:

Standards	Statutory Procedures for Voluntary Out of Home Care – Office of Children's Guardian The NDIS Rules
Legislation	<i>The Children's Guardian Act 2019</i> <i>Children and Young Persons (Care and Protection) Regulation 2012</i> <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> <i>Crimes Act 1900 (NSW)</i> <i>Ombudsman Act 1974 (NSW)</i> <i>National Disability Insurance Scheme Act 2013</i> <i>National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018</i>

	<i>National Disability Insurance Scheme (Practice Standards – Worker Screening) Rules 2018</i>
Contractual Obligations	N/A
Organisation Policies	Caringa Code of Conduct and Ethics Staff Recruitment Policy Staff Training and Induction Policy Risk Management Policy Complaints Handling Policy Incident Management Policy Conflict of Interest Policy
Forms, record keeping, other documents	Incident Log (CTARS) NSW interagency guidelines available at: www.facs.nsw.gov.au/provider/children-families/interagency-guidelines

Definitions

Child: A person under the age of 18 (unless otherwise specified in relevant legislation).

Child abuse: *“All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power¹”*

Child protection: Any measure taken to safeguard children from abuse or harm.

Grooming: Any act with the aim of befriending, building rapport, and gaining the trust of a child for the purpose of subjecting them to abuse. Signs of grooming include giving gifts or special attention, or inappropriate touching such as tickling or wrestling with a child.

Online grooming: Establishing a relationship with a child or young person online with the aim of meeting him/her in person for sexual activity. This can include online chat or sexting, and the abuser may lie about their age or identity.

Risk of Significant Harm: A child or young person is at risk of significant harm if the circumstances that are causing concern for safety, welfare or well-being of the child or young person are present to a significant extent. This means the concern is sufficiently serious to warrant a response from a statutory authority (such as NSW Police Force or Community Services) 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, well-being. The significance can result from a single act or omission or an accumulation of these factors.

Reasonable grounds for belief: *“A belief based on reasonable grounds (see below) 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,*

¹ World Health Organization (2016), *Child abuse and neglect by parents and other caregivers.*

- (b) *the child has suffered or is likely to suffer “significant harm as a result of physical injury,” or*
- (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 grounds².”

Sexual abuse: Occurs when an adult or another child or young person uses power and authority to involve a child in sexual activity, and can be physical, verbal or emotional.

Procedures

Roles and responsibilities of governing body, staff and volunteers

All members of the governing body (board of directors), management, staff and volunteers and contractors must act in accordance with the Caringa’s Code of Conduct as part of their induction into the organisation, to commit to keeping children safe within the organisation and act in their best interests at all times.

Governing body (Board of Directors)

The governing body has ultimate responsibility for policies and procedures to be in place that are appropriate for the size and type of services provided, and for ensuring that all staff and volunteers abide by these to prevent and respond to child abuse. They must also be aware of their legal liability for failure to disclose abuse or failure to reasonably protect based on known risks.

Management

Management should be aware of all mandatory and voluntary reporting obligations which apply in the jurisdiction in which Caringa operates, and ensure that all staff and volunteers are made aware of the obligations that apply to them. Management is also responsible for being aware of and managing any risks to children, and to facilitate internal and/or external reporting by any members of staff/volunteers.

Child Safe Officer

A Child Safe Officer may be appointed within the organisation, to respond to any questions or concerns about child safety related issues, and to be the primary contact person in the event of any incident or allegation coming to light. The Child Safe Officer/CEO is the contact person for external bodies, and will coordinate with the CEO to investigate any incidents or allegations of harm.

Staff, Volunteers

Staff and volunteers have a responsibility to act in accordance with the Code of Conduct, and be aware of and comply with their obligations relating to reporting concerns, allegations and incidents of child abuse, including internal and external reporting.

Staff Recruitment, Supervision and Training

Advertising a position

When advertising a position that is child-related, the Caringa Statement of Commitment to child safety will be included in the advertisement. The position description will include the duty of care obligations of staff, Caringa's zero tolerance policy to abuse, and the requirement to undergo police, reference and Working with Children Checks during the recruitment process.

Worker Screening

Shortlisted applicants for all positions within the organisation will be screened for a Police check and a minimum of two verbal reference checks per applicant. Verbal reference checks should be with direct supervisors or managers who can attest to the applicant's behaviour and attitudes around children. Google searches and social media checks can also be of use to determine the character of potential employees and identify whether there may be any red flags.

All staff who undertake child related work (in accordance with the state/territory definition of 'child related') will require evidence of a valid Working with Children Check (WWCC).

Interviews of potential employees should be conducted by a panel of staff members who are familiar with child safe principles, and should focus on determining a values-fit with the organisation.

For more information, please see Caringa's Recruitment Policy

Staff training and development

All new staff and volunteers will receive a copy of the organisation's Child Safe policy, Code of Conduct and Complaints Handling policy, and be guided through the application of these policies and procedures throughout the staff induction process.

Continuous development and training, and refresher training, around child safety topics should occur annually or sooner if required. Staff training should include staff mandatory and voluntary reporting and duty of care obligations, how to identify and minimise risks of child abuse, organisational policies and procedures relating to child safety, how to protect children with disability from abuse, promoting the cultural safety of Aboriginal and Torres Strait Islander children and CALD children, etc.

Exchange of Information

Caringa will work collaboratively with other organisations involved with supporting a child or young person.

Under Chapter 16A, prescribed bodies, including Caringa; are able to share information relating to the safety, welfare or wellbeing of children or young people without consent, where necessary, and whether or not the child or young person is known to community services.

Caringa may request or provide information from / to another organisation about a particular child or young person and / or their family if it will assist in:

- Decision making, assessment or planning relating to the safety welfare or wellbeing of the child or young person.
- Initiating or conducting any investigation relating to the safety, welfare or wellbeing of the child or young person
- Providing a service relating to the safety, welfare or wellbeing of the child or young person
- Managing any risk to a child or young person that might arise in the recipients' capacity as an employer or designated agency.

Before agreeing to an exchange of information under Chapter 16A, Caringa will consider the above and ensure must reasonably believe the information will assist the other organisation for one of the purposes outlined above.

Before disclosing information, a Caringa Worker should generally consult with their manager, except in very urgent situations.

Identifying and managing child abuse risks

Child safety risks are included in the organisation's risk management policy and processes. This includes risks in physical and online environments relevant to the service type/s provided by the organisation, people in contact with children, and any specific vulnerabilities of the children.

All staff, volunteers and managers will be trained in identifying, assessing and managing these risks, and detecting signs of abuse. Training should also include protective factors that reduce the risk of abuse, and ways to promote these protective factors in the context of the organisation.

Where a risk is identified and not appropriately managed, management and the governing body may be held legally liable, as this may constitute a 'failure to protect'.

Reporting, handling and investigating child abuse concerns, complaints and allegations

Caringa takes seriously all concerns, complaints and allegations of abuse or suspected abuse against any child or young person in the service. They will be handled sensitively, investigated in a timely manner, and with the safety of the child as the primary consideration.

When to Report to External Agencies & Mandatory Reporting

The Children and Young Person (Care and Protection) Act 1998 refers to reports being made when there are reasonable grounds to suspect risk of harm to the child or young person. A child or young person is at risk of harm if current concerns exist for the safety, welfare and wellbeing of the child or young person because of the presence of one or more of the following circumstances:

1. The child's or young persons' basic physical or psychological needs are not being met or at risk of not being met
2. The parent or other carers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care.
3. Sexually abused or ill-treated
4. 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
5. A Parent or other carer 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

A report can also be made if a child or young person is homeless (Section 120 & 121 Children and Young Persons (Care and Protection) Act 1998). For a child this will form part of the risk of significant harm considerations. For a young person aged between 16 and 18 years of age, a report relating to homelessness needs to have the agreement of the young person.

If a staff member is concerned about a child or young person but is unsure about whether to report, he or she should consult with their Line Manager, Helpline (133627), or consult with Caringa's child safety officer. In the context of an ongoing case plan, local Community Services Staff may also be approached for advice.

Where it is suspected that a crime has been committed, irrespective of the age of the victim or passage of time, the police must be notified.

Employment-related child protection

Part 4 of the Children's Guardian Act 2019 requires the Children's Guardian to keep under scrutiny the systems that designated agencies and other public authorities in NSW have for preventing reportable conduct and handling reportable allegations and convictions involving their employees.

As a "designated agency Caringa must notify the Office of the Children's Guardian of all reportable allegations and convictions that arise inside or outside the employees work. Caringa must notify the Office of Children's Guardian within seven business days, of any reportable conduct. A final report must also be lodged with the office of children's guardian within 30 calendar days.

Conducting investigations

Where external authorities have been contacted about a concern, allegation or incidence of child abuse, they may undertake an investigation. All employees must fully cooperate with any internal or external investigation that takes place.

Even when an external investigation is not required, it is recommended that an internal investigation is conducted to prevent future occurrences of similar incidents. Internal investigations will be conducted in accordance with the principles of natural justice, and will remain confidential (however there may be a need to interview or consult other staff members during the investigation).

While an investigation is in progress, the employee against whom an allegation is made may be stood down until a decision is made about whether an offence has been committed. If the investigation concludes that an offence has been committed, or is likely to have been committed, disciplinary action will be taken proportionate to the severity of the offence.

Where a person is terminated from the organisation due to being found to have committed an offence, The Chief Executive Officer (CEO) or delegate has responsibility for notifying the relevant bodies for child protection and safety.

Internal and external communication about suspected or actual child abuse

1. Allegations of abuse or suspected abuse are to be reported immediately to the Divisional Manager or designated person with authority who will report the allegation to the CEO.
2. If the allegations involve conduct which may lead to criminal action the CEO will notify the NSW Police for direction prior to any further investigation being conducted.
3. The CEO will advise the Board of Directors of the incident, and contact the nominated emergency contact in the individual's personal file.
4. If the abuse or alleged abuse is Sexual in nature, staff are to ensure that any evidence relating to the matter is preserved. This may involve a delay in bathing or laundry.
5. If a client is found to be in need of medical attention staff are to take immediate action to ensure that medical attention is obtained, including transport to hospital by ambulance.

6. Report must be made to Community Services Helpline, and relevant external agencies (e.g. Police) and reference noted.
7. Confidentiality is to be strictly maintained at all times to ensure the privacy of all persons concerned. Staff should accurately and objectively record details of the incident using the incident form within CTARS (Client Management System) including details of witnesses, Risk of significant harm details including helpline reference number.
8. The staff member is to let the victim know that he or she is believed, that it is not their fault, and they are not in any trouble.
9. Where a client alleges that a sexual assault – including indecent assault (touching the breasts, buttocks or genital area of a person) or attempted sexual assault – has occurred, the staff member, after obtaining brief details (e.g. name of perpetrator, what happened and when) is to report the matter to the Divisional Manager or designated person with authority.
10. If the relevant Manager is implicated in the alleged assault, the staff member to whom the allegation has been disclosed is to contact the CEO.

Staff must cooperate with Police and external agencies in any investigation arising from a report of alleged or witnessed neglect, abuse or assault

Additional Reporting Requirements- Reportable Incidents (when the Child or Young Person is a NDIS participant)

Reportable incidents are serious incidents or allegations which result in harm to an NDIS participant and occur in connection with the NDIS supports and services

NDIS registered providers must report to the NDIS Commission serious incidents (including allegations) arising in the context of NDIS supports or services, including:

- The death of an NDIS participant
- Serious injury of an NDIS participant
- Abuse or neglect of an NDIS participant
- Unlawful sexual or physical contact with or assault of, an NDIS participant
- Sexual misconduct committed against, or in the presence of, an NDIS participant, including grooming of the NDIS participant for sexual activity
- The unauthorised use of restrictive practice in relation to an NDIS participant

The requirements to report the above incidents to the NDIS commission does not replace obligations to report suspected crimes to the police or in the case of children and young people reporting abuse, neglect or risks of significant harm to relevant external bodies.

Caringa Incident Logs are reviewed by the team leader responsible for the business area in which the incident has occurred. When an incident is identified as a “NDIS reportable incident”, The Team leader will report the incident to the NDIS commission within the stipulated timeframes.

For further information on Caringa’s prevention, response, management and reporting of incidents please see Caringa’s Incident Management Policy.

Procedures for review of this policy

This policy will be reviewed and updated if necessary annually, by Client Services Manager or Chief Executive Officer and any changes made will be approved by the Board of Directors

The policy will also be reviewed after any reportable incident, to ensure that it is up-to-date with current best practice in preventing and responding to child abuse incidents and allegations.

Families of children a who use the service, and staff members will be consulted in the review process

This policy will be communicated via regular information sessions with staff and volunteers, and be available on the staff intranet. All children and their families will receive a copy of the policy, and the Code of Conduct on commencement of service, and after it is updated.

Contact information, including hotlines for reporting incidents

Internal contact information for raising concerns:

Contact your line manager or alternatively Caringa's Child Safety Officer on 0266409300

If a child is believed to be in immediate danger, contact the police: 000

If a child is believed to be in danger which is non-immediate, that is, general concerns about wellbeing rather than knowledge of the possibility of serious harm, then the relevant Departmental hotline should be contacted:

Child Protection Hotline (For mandatory reporters): 133627

Child Protection Hotline (For General Public): 132111

NDIS Commission Reportable Incident Team: reportableincidents@ndiscommission.gov.au

Office of Children's Guardian Reportable Conduct Team: reportableconduct@kidsguardian.nsw.gov.au

Caringa Child Safety Officer: 0266409300

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