

Applies to	All Intereach workers and FDC Educators. For the purpose of this procedure, the term worker includes employees, contractors, volunteers and students, and Family Day Care (FDC) educators.				
Policy	Child Safe Policy				
Schedule of Definitions	Refer to Schedule of Definitions: <i>serious incident, child, child-related work, Working with Children Check, Working with Children clearance, Working with Children Check number, engaging in child-related work, reportable conduct, reportable allegation, mandatory reporting, mandatory reporter, significant risk of harm</i>				
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1. Objective

Intereach has zero tolerance for child abuse. Intereach is committed to providing a child safe environment. Every person involved in Intereach has a responsibility to understand the important and specific role they play individually and collectively to ensure that the wellbeing and safety of all children and young people is at the forefront of all they do and every decision they make.

The objective of this procedure is to ensure:

- a safe and supportive environment for children;
- compliance with all obligations under the NSW and Victorian Child Protection legal framework and the NSW and Victorian Child Safe Standards;
- the investigation of any allegations relating to child protection matters is conducted in a fair and just manner; and,
- workers and FDC educators have access to due process at all stages of employment/engagement particularly in relation to child protection matters.

2. Responsibilities

It is the responsibility of the Chief Executive Officer (CEO) to:

- oversee the reporting and investigation of any allegation of or conviction for reportable conduct by any person engaged in child-related work; and,
- ensure mandatory notifications are made within set timeframes when a reportable allegation is made against a worker or FDC educator.

It is the responsibility of General Managers to:

- designate work as "child-related" where a role falls within this definition (refer to Definitions);
- confer with the HR team on any disciplinary proceedings in relation to child protection matters and in relation to any person whose employment is rejected on the grounds of a prior conviction of a criminal nature or for allegations of child-related offences. (Commission for Children and Young People Act 1998 NSW and Working with Children Act 2005 Vic);
- report any allegation of reportable conduct or complaints against workers or FDC educators, investigation process and outcomes, to the CEO as soon as practicable; and,
- ensure all Children's Services workers and FDC educators receive regular training in child protection matters and are aware of their responsibilities associated with child protection including mandatory reporting.

It is the responsibility of Senior Managers and the HR Manager to:

- report allegations of reportable conduct to their General Manager as soon as practicable;
- conduct a fair and just investigation for all allegations and complaints relating to reportable conduct in line with Intereach policies and procedures and as soon as practicable after they become aware of it;
- regularly communicate investigation process and outcomes with their General Manager; and,
- make mandatory notifications to the Ombudsman (NSW) or Commission (Vic) of any allegations of reportable conduct received and of the outcome of the subsequent investigation of the allegations.

In addition, it is the responsibility of the HR Manager to:

- must ensure that prescribed screening procedures are followed and interviews and reference checking, of applicants for child-related work are conducted;
- maintain a database that records all checks performed, expiry dates (where applicable) and renewal dates and notify employees and educators of expiry as required; and,
- notify the Ombudsman (NSW) and/or Commission (Vic) if an applicant is rejected based on a risk assessment considering prior behaviour with children, prior convictions or allegations of reportable conduct.

It is the responsibility of managers of persons performing child-related work to:

- refer allegations and complaints against workers or FDC educators, in relation to child protection matters to their manager;
- inform their Manager and HR of persons engaging in child-related work who have been convicted for reportable conduct, as advised by the worker themselves or another person; and,
- report to the Department of Communities and Justice (DCJ) (NSW) or Department of Families, Fairness and Housing (DFFH) (Vic) when they have reasonable grounds to suspect that a child is at significant risk of harm from abuse or neglect arising during the person's work.

It is the responsibility of managers to ensure that, when any of their workers who are not in child-related positions become directly involved with children in the workplace, there are workers who have a clearance, teachers, parents or other responsible adults present and capable of supervising the children.

It is the responsibility of persons working in child-related positions to:

- identify, assess risk and where children are assessed as being at significant risk of harm, reporting any such cases in accordance with this procedure;
- notify their supervisor if they or any other worker are the subject of an allegation or conviction for a reportable offence regardless of where the event occurred;
- maintain a current WWC check clearance and providing the details of the clearance to their manager;
- notify their manager if they become the subject of an allegation or convicted of a reportable offence; and,
- report to the DCJ (NSW) or DFFH(Vic.) when they have reasonable grounds to suspect that a child is at significant risk of harm from abuse or neglect arising during the person's work.

It is the responsibility of worker who are not in child-related positions but who become directly involved with children in the workplace are responsible in conjunction with their supervisor for ensuring that, there are workers who have clearance, teachers, parents, or other responsible adults present and capable of supervising the children.

3. Procedure

3.1. Working with children check clearances | Child-Related Positions

- Work designated as child related must be specified as such in the role profile and advertisement.
- Students undertaking placements as part of a recognised university or TAFE course at Intereach that involve child-related work, and volunteers performing child-related work must provide a current WWC check clearance.
- School students, under the age of 18, participating in work experience programs are ineligible to apply for a WWC check clearance. A student engaged in a role that involves children must be supervised at all times by an appropriately trained, Intereach employee or FDC Educator who possesses a current clearance.
- Organisations providing contracted services to Intereach in a child-related area where contact with children may be unsupervised must provide the relevant manager with evidence of their current WWC check clearance. The manager must verify and record the details of the clearance.
- Any person seeking to become an Intereach FDC educator and other adults residing where the care is provided must have a current clearance. Refer to the [Fit and Proper Assessment of FDC Educators Procedure](#).
- Persons seeking such positions must first apply for or provide details of a current WWC check clearance or evidence that the government agency has received an application for a clearance. In addition, a comprehensive employment history must be provided within a resume and the details of two referees able to supply an opinion on the applicant's suitability for work in a child-related position.
- Referee checks for the preferred applicant, including specific questions regarding previous interactions with children in the workplace and other settings and any issues that may have arisen from the applicant's behaviour towards children must be conducted prior to the recommendation for appointment. If concerns are raised by referees and the applicant is assessed as a risk if engaged in child-related work, these details must be reported to the Ombudsman (NSW) or Commission (Vic.) by the Human Resources Manager.
- Applicants who are selected for child-related work must provide WWC clearance details and the clearance must be verified by Human Resources before a formal offer is made. The clearance is to be verified online by Human Resources through the Office of Children's Guardian (NSW) or Working with Children Check Victoria. The verification details are recorded on the personnel file and the manager/supervisor is notified and the relevant details are recorded in the specific facility WWC clearance register.
- Immediately prior to the expiry of the five-year term of the clearance persons performing child-related work must reapply for a clearance. Details of any subsequent clearance issued must be provided to the manager/supervisor and be recorded in the specific register together with the verification details.
- If the Office of Children's Guardian (NSW) or Working with Children Check Victoria becomes aware that a person previously issued with a clearance becomes a disqualified person or is deemed a risk to the safety of children, the clearance will be cancelled. In such cases the Office of Children's Guardian (NSW) or Working with Children Check Victoria must inform the person and Intereach that the person is ineligible to perform child-related work. Intereach must either redeploy the person to a suitable position or terminate the person's employment or volunteer engagement.

3.2. Mandatory Report

Any person, regardless of whether or not they are deemed a mandatory reporter, can and should make a report to Child Protection if they form a belief on reasonable grounds that a child under 16 years is in need of protection from significant harm or sexual abuse.

Intereach employees, volunteers and FDC educators have ethical and legislative requirements to report a belief on reasonable grounds that a child is at risk of significant harm.

Any person engaged by Intereach has statutory responsibilities as a Mandatory Reporter if they are engaged in the delivery or supervision of the delivery of child- related work to children in the context of:

- child care;
- health care;
- welfare; and,
- education services.

If during work, a Mandatory Reporter has reasonable grounds to suspect that a child is at risk of harm from abuse or neglect, the level of that risk must be determined using the [Mandatory Reporter Guide \(MRG\)](#).

If a Mandatory Reporter determines that a child may be at 'significant risk of harm from abuse or neglect' the matter must be reported to the DCJ (NSW) or DFFS(Vic.).

Failure to make a mandatory report of a child at significant risk of harm may result in:

- disciplinary action where an employee is involved;
- an FDC educator being placed on notice that the current registration may be cancelled; and,
- a penalty of \$1000 may apply under the Education and Care Services National Regulations 2011.

Mandatory reporting is an individual responsibility however, unless the matter is urgent, the mandatory reporter should confer with their line manager, team leader or nominated supervisor before making a report. While it is good practice to do this, no one can prevent a mandatory reporter from making a report if they believe they should do so.

Privacy and confidentiality must be maintained at all stages of a mandatory report.

3.2.1. NSW - Process to be followed to determine the appropriate response when a Mandatory Reporter suspects the presence of child abuse or neglect:

The *Mandatory Reporter Guide* is to be used in the first instance. The MRG is a resource to help staff decide about whether they should make a report to DCJ or take another course of action. An electronic version of the MRG tool can be found at www.community.nsw.gov.au and a PDF version is also available.

- After completing the decision tree, the MRG will provide guidance in the form of a final decision. The final decision will be either:
 - make an immediate report to Child Protection Helpline 132 111; or,
 - consult with other agencies to arrange support for the child/children and their family.

Government and non-government agencies may share and exchange information that is relevant to the safety, welfare or wellbeing of a child or young person regardless of whether the report meets the risk of significant harm threshold.

- A completed *Information Exchange Agreement* between Intereach and relevant organisations is required before information on child safety, wellbeing or welfare is requested or provided. This form can be downloaded from www.community.nsw.gov.au/informationexchange.
 - An exemption to completing this information exchange agreement is when information is requested under Chapter 16A or Section 248- *Provision and exchange of information of Children and Young Persons (Care and Protection) Act 1998*.
- Agencies/Sources that may need to be consulted include:
 - www.nswfamilyservices.asn.au;
 - schools that the child may be attending;
 - Mission Australia – NSW - 02 9219 2000; and,
 - Maternal Health Nurses.

3.2.2. Victoria - Process to be followed to determine the appropriate response when a Mandatory Reporter suspects the presence of child abuse or neglect:

The relevant DFFS fact sheets are to be used in the first instance to help staff decide whether they should make a report to DFFS or take another course of action. The fact sheet/s can be found: > <https://providers.dhhs.vic.gov.au/mandatory-reporting> <

- The final decision will be either:
 - make an immediate report to Child Protection on one of the following numbers:
 - North Division Intake 1300 664 977;
 - East Division Intake 1300 360 391; and,
 - after hours 13 12 78.
 - consult with other agencies to arrange support for the child/children and their family.

Government and non-government agencies may share and exchange information that is relevant to the safety, welfare or wellbeing of a child or young person regardless of whether the report meets the risk of significant harm threshold.

- Notes on the exchange of information between Intereach and relevant organisations must be recorded. This form can be downloaded from the Child Information Sharing Scheme <https://www.vic.gov.au/child-information-sharing-scheme>; and,
- Agencies/Sources that may need to be consulted include:
 - Child FIRST refer to this website - <https://services.dhhs.vic.gov.au/referral-and-support-teams>;
 - Schools that the child may be attending; and,
 - Maternal Health Nurses.

3.3. Child Protection Complaints and Allegations

3.3.1. Investigation of a Child Protection Complaint against an Intereach worker

- When a reportable allegation is made against a person engaged by Intereach as an employee, FDC educator, board member, volunteer, student or contractor, regardless of whether it occurs within or outside the workplace the relevant Senior Manager and the Human Resources Manager will:

- report all cases to their General Manager as soon as practicable and regularly communicate investigation process and outcomes;
- for NSW, ensure that a mandatory notification is made to the NSW Ombudsman within three business days of becoming aware of the allegation;
- make mandatory notifications to the Ombudsman (NSW) or Commission (Vic) of the outcome of the subsequent investigation of the allegations;
- conduct a fair and just investigation in accordance with:
 - for Victoria - Commission's 'Investigation Overview Information Sheet' available at <https://ccyp.vic.gov.au/assets/resources/Investigation-overview.pdf>; and,
 - for NSW - Ombudsman's publication titled "Child Protection in the workplace - Responding to allegations against employees".
- assess the risk to children should a worker against whom a reportable allegation has been made be permitted to remain in their current position; and,
- regularly communicate investigation process and outcomes with their General Manager, who will then inform the CEO.
- The Commission/Ombudsman is required to monitor Intereach's conduct of the investigation.
- Depending on the nature of the allegation, the Police and DFFS or DCJ may also have to be notified.
- An assessment of the risks to children in care during the investigation must be undertaken. Assessment must include the risk to children should a worker whom a reportable allegation has been made be permitted to remain in their current position. Following this assessment, modifications may need to be implemented to safeguard children during the investigation.
- The Commission/Ombudsman must receive a brief written report of the outcome of the investigation, including the reasons supporting the finding, the action taken and any submissions from the worker. In addition, if the investigation constitutes a relevant employment proceeding and confirms that an Intereach worker was involved in an incidence of reportable conduct, regardless of whether they are in child-related role or not, the Commission/Ombudsman must be notified of the details and the outcome of the investigation.
- Once a finding is made and accepted by the General Manager and CEO, further action in the form of counselling, formal warning redeployment or termination of the worker may be warranted. Any such action must be in accordance with the disciplinary provisions covering Intereach.
- Other actions including reviews of policies, procedures and other documentation may be required.

3.3.2. Child Protection Allegations against the CEO or a Board Member

- The relevant state investigation procedure applies if a complaint is made against the CEO or a Board Member with the exception that the investigation will be undertaken externally.

4. Context	
6.1. Standards or other external requirements	Child Safe Standards (Vic) 2015 <i>Child Safe Standards NSW</i>
6.2. Legislation or other requirements	Child Protection (Working With Children) Act 2012 (NSW) Child Wellbeing and Safety Act 2005 (Vic) Children and Young Persons (Care and Protection) Act 1998 (NSW) Children, Youth and Families Act 2005 (Vic.) Commission for Children and Young People Act 2012 (Vic) Crimes Act 1958 (Vic) Education and Care Services National Regulations 2011 (Cth) Failure to Disclose 2014 (Vic) NSW Crimes Act 1900 Working with Children Act 2005 (Vic) Privacy Act 1988 (Cth)
6.3. Reference Internal documents	Domestic and Family Violence Policy Privacy Policy Code of Conduct Policy Data Retention and Security Policy Child Safe Policy Risk and Incident Policy Child Safe Code of Conduct Disciplinary and Dismissal Policy Volunteer Policy Student Policy Fit and Proper Assessment of FDC Educators Procedure Work Check Policy

Document control			
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