

CHILD SAFETY

POLICY

Nas Recovery Centre (NRC) is committed to promoting and protecting the best interests of children and young people. All children and young people, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, family or social background, have equal rights to protection from abuse.

NRC has zero tolerance to any form of violence against children and young people. Child protection is a shared responsibility, and as such, all staff and Board members of NRC are responsible for the care and protection of the children and young people they work with.

Information in this policy and its application is based on the Victorian Child Safety Standards 2022 mandated by the Department of Families, Fairness and Housing (Available at: <https://providers.dffh.vic.gov.au/child-safe-standards>).

PURPOSE

The purpose of this policy is:

- To work towards an organisational culture of child safety.
- To ensure that all parties are aware of their responsibilities for identifying possible harm to children and young people and for establishing controls and procedures for preventing such harm and/or detecting harm when it occurs.
- To provide guidance to staff as to actions that should be taken where they suspect harm to a child or young person within or outside of the organisation.
- To provide assurance that any and all suspected harm will be reported and fully investigated.

DEFINITIONS

- **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 and young people from harm.
- **Child harm** means all forms of physical harm, emotional ill-treatment, sexual assault and exploitation, neglect or negligent treatment, commercial (e.g., for financial gain) or other exploitation of a child and includes any actions that may result in potential harm to a child.
- **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.
- **Reasonable grounds for belief** are a belief based on reasonable grounds that harm to a child 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.
- c) Parents or guardians are unable or unwilling to protect the child.

A reasonable belief or a belief on reasonable grounds 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 harmed (physically, emotionally, psychologically or sexually).
- b) A child states that they know someone who has been harmed.
- c) Someone who knows a child well states that the child has been harmed.
- d) Professional observations of the child's behaviour or development lead a professional to form a belief that the child has been harmed or is likely to be harmed.
- e) Signs of harm lead to a belief that the child has been harmed.

RESPONSIBILITY

The Board has a responsibility for the prevention and detection of child harm and is responsible for ensuring that appropriate and effective internal control systems are in place.

The **Board** is responsible for ensuring that appropriate policies and procedures, recruitment processes, and a Code of Conduct that deals with these issues are in place.

The **CEO** and **Managers** are responsible for:

- Dealing with incidents of substantiated harm, and investigating reports of alleged harm.
- Ensuring that all staff are aware of relevant laws, organisational policies and procedures, and the organisation’s Code of Conduct in relation to child protection.
- Ensuring that all staff are aware of their obligation to report harm or alleged harm including suspected sexual assault of a child in accordance with the law and these policies and procedures.
- Ensuring that all staff are aware of their obligation to observe the Code of Conduct particularly as it relates to child safety.
- Providing support for staff in undertaking their child protection responsibilities.
- Promoting child safety at all times.
- Educating staff about the prevention and detection of child harm.
- Facilitating the reporting of any inappropriate behaviour or suspected activities.
- All staff share in the responsibility for the prevention and detection of child harm, and must:
 - Familiarise themselves with the relevant laws, the Code of Conduct, and NRC’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 person – a Manager and/or the CEO - who will assist them to make a decision if this should be reported to authorities such as the police and/or child protection services.
 - Provide an environment that is supportive of all children’s and young people’s emotional and physical safety.

APPLICATION

Employment of New Personnel

NRC undertakes a comprehensive recruitment and screening process for all staff which aims to:

- Promote and protect the safety of all children and young people.

- Identify the most suitable people who share NRC's values and commitment to protect children and young people.
- Prevent a person from working at NRC if they pose a risk to children and young people.
- NRC requires all staff to pass through the organisation's recruitment and screening processes prior to commencing employment.
- NRC requires applicants to provide a criminal history check in accordance with the law and as appropriate, before they commence working at NRC and during their time with NRC at regular intervals.
- NRC requires all relevant staff to undergo a Working with Children Check (WWCC).
- NRC will undertake thorough reference checks as per the approved internal procedure.

Risk Management

- NRC will ensure that child and young person safety is a part of its overall risk management approach.

Reporting

- Any staff member who believes they have grounds to suspect harm must immediately notify a Manager or the CEO who will assist them to determine if this information needs to be reported to appropriate child protection services and/or the police.

Investigating

- If the appropriate child protection service or the police decide to conduct an investigation, all staff must cooperate fully with the investigation.
- In addition, the CEO may conduct an internal investigation if appropriate. All staff must cooperate 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.
- Internal or external legal representatives may be involved in the process, as deemed appropriate.

Responding

- If it is alleged that a member of staff may have committed an offence or have breached the organisation’s policies or its Code of Conduct in relation to child protection and child safety, the person concerned will be stood down (with pay) while an investigation is conducted.
- If the investigation concludes that on the balance of probabilities an offence **has** occurred, then disciplinary action will follow up to and including dismissal or cessation of involvement with the organisation. The findings of the investigation will be reported to any external body as required as per arrangements and instruction of the DFFH Critical Consumer Incident Reporting System (<https://providers.dffh.vic.gov.au/cims>).

Privacy

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

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