

For Official Use Only

Child Safety and Wellbeing Policy



COMMISSION FOR CHILDREN
AND YOUNG PEOPLE

1. Overview

Our Child Safety and Wellbeing Policy describes our commitment and approach to ensuring the children and young people we work with are safe, included, respected and heard.

The Commission directly engages with children and young people in multiple ways, including:

- our oversight of services for children and young people, incorporating the Independent Visitor Program in youth justice and engagement with children and young people in out-of-home care and secure welfare services
- systemic inquiries, individual inquiries and inquiries undertaken at the request of the Minister
- our engagement with Aboriginal communities living in Victoria
- through our Youth Council, comprising members aged 15-24 years
- discussing allegations of reportable conduct with a child or interviewing a child as part of an investigation
- discussing Child Safe Standards compliance concerns with a child or speaking with a child as part of compliance activity
- making enquiries in response to approaches in relation to child safety issues
- our education and capacity building functions
- our engagement with services and communities.

The Commission also holds sensitive information in relation to children and their families.

The Commission is committed to the safety and wellbeing of all children and young people and has zero tolerance for child abuse of any kind. In acknowledgment of our advocacy role and responsibility for enforcing the Child Safe Standards we strive to demonstrate leadership in child safety and a deep respect for children's rights underpins our work.

2. Who does this policy apply to?

Everyone we work with must be committed to child safety.

This section explains who the policy applies to.

This policy applies to the Commissioners, staff, contractors, volunteers and authorised persons engaged by the Commission.

3. Compliance

We take child safety seriously. There are consequences for failing to keep children and young people safe.

This section explains the consequences for failing to comply with this policy.

Compliance with this policy is mandatory for all persons to whom it applies.

Non-compliance with this policy may constitute a breach of employment or contractual obligations, misconduct, harassment, discrimination or some other contravention of the law.

Failure to comply with this policy may result in counselling, training, disciplinary action or, in serious cases, termination of the person's employment or engagement. In the case of Commissioners, this may include referral to the relevant Minister.

4. Reporting child abuse or child safety concerns

Everyone at the Commission is responsible for reporting child safety concerns and child abuse and must know how to make a report.

We encourage anyone with concerns about the behaviour of our people to contact our Child Safety Officer.

This section explains how to report child abuse concerns.

For any matters requiring urgent or immediate assistance, including concerns for the welfare of a child or young person call **000** to report the matter to police.

For any matters of immediate risk relating to the treatment of a child or young person in the family context, follow the Department of Families, Fairness and Housing (DFFH) Child Protection reporting procedure at <https://providers.dhhs.vic.gov.au/making-report-child-protection>.

Any concerns about the conduct of Commission staff, volunteers, contractors or authorised persons or immediate risks to children or young people must also be reported to the Commission's Child Safety Officer. Reports can be made by asking for the Child Safety Officer through the Commission's general enquiry line on 1300 78 29 78 or email contact@ccyp.vic.gov.au.

The Chief Executive Officer is the Commission's Child Safety Officer. If the Chief Executive Officer is on leave or unavailable, the role of Child Safety Officer will be fulfilled by the Director Regulation.

If risks or concerns relate to the conduct of the Child Safety Officer, these should be reported to a Commissioner (1300 78 29 78).

Concerns about Commissioners should be reported to the current Minister for Children.

5. Principles for a child safe environment

We set principles for how we work so everyone understands what a child safe environment means to us. We are expected to live up to these principles in our work at all times.

This section sets out the principles people at the Commission must uphold.

The Commission is committed to upholding a safe environment for children and young people in which children and young people's rights are respected, differences are celebrated, children and young people's views and voices are sought and acted on, and particular effort is made to advocate for the most vulnerable or marginalised. The following principles underpin our work:

We have zero tolerance of child abuse.

We see child safety as everyone's responsibility at the Commission and the leading priority in our decision-making. We promptly report all unreported allegations of child abuse to the relevant authorities. We take any concerns about the conduct of Commission employees, volunteers, contractors or authorised persons seriously and prioritise the safety of children and young people in our response.

We strive to show leadership in child safety.

We support and regulate organisations that work with children and young people to prevent abuse and make sure these organisations have child-safe practices. This requires us to model best practice. We regularly review our approach to child safety and commit to continuous improvement.

We recognise, respect and foster children and young people's rights.

We promote the rights, safety and wellbeing of children and young people in line with the United Nations Convention on the Rights of the Child (UNCRC). The UNCRC recognises that children have a right to be protected from physical and mental harm and neglect and enjoy the full range of human rights – civil, cultural, economic, political and social. Our work is informed by the rights-based approach provided by the UNCRC (**Appendix A**) and the Victorian Charter of Human Rights and Responsibilities.

We advocate to improve the experience of vulnerable and marginalised children and young people in Victoria.

We seek to understand the needs and experiences of vulnerable and marginalised children and young people, including those in contact with child protection, in out-of-home care and in the youth justice system, as well as those falling through the cracks of these systems. We advocate for their safety and wellbeing, for their voices to be heard and for a standard of care that enables them to flourish and achieve their potential.¹

We uphold a culturally safe environment for children and young people, staff and stakeholders.

We understand that cultural safety is fundamental to the safety and wellbeing of Aboriginal and culturally and linguistically children and young people. We recognise the impacts of past government policies and practices on Aboriginal peoples and challenge discrimination, unconscious bias and racism of any kind. We embrace Aboriginal culture throughout the organisation and seek to build positive relationships with communities to advance the wellbeing of Aboriginal children and young people.

We respect and celebrate diversity and seek to be inclusive of all children and young people.

We see diversity as a strength and work to ensure all children and young people are treated with respect. We have regard to the safety, wellbeing and inclusion of children and young people with disability, children and young people from cultural and linguistically diverse backgrounds and faiths, Aboriginal children and young people and lesbian, gay, bisexual, trans/transgender, non-binary and gender diverse, intersex, queer and questioning children and young people.

We value and empower children and young people to participate in decisions that affect their lives.

We reach out to children and young people to hear and understand their experiences through interviews, rolling surveys and other engagement opportunities. We create opportunities for young people to join our Youth Council and work with us to shape our priorities and work. We seek their feedback on how we are doing and amplify their voices through our advocacy.

We respect the importance of families and carers in children and young people's lives and value their input and views.

We support families and carers to know what to expect from child safe organisations and communicate openly about our child safe approach. We take seriously the concerns of families and carers about the safety of

¹ For the full functions of the Commission in relation to vulnerable children and young people, see section 8 of the *Commission for Children and Young People Act 2012*.

children and young people, and encourage any concerns about the conduct of Commission staff, contractors, volunteers or authorised persons to be raised.

6. Roles and responsibilities

Every person, at every level, has a role and responsibility in creating a child safe environment at the Commission.

This section explains the different child safety responsibilities that people have at the Commission.

All staff, volunteers, contractors and authorised persons are responsible for building and maintaining our child safe culture, taking steps to prevent child abuse and operating in a manner consistent with our Child Safety and Wellbeing Policy and procedures. Expectations are as follows:

| Role | Responsibilities |
|---|--|
| <p>All staff, volunteers, contractors and authorised persons</p> | <ul style="list-style-type: none"> • Report all concerns of child abuse about our staff (including executive staff and Commissioners), contractors or volunteers • Uphold our zero tolerance of child abuse approach • Actively support and abide by the Commission's Child Safety and Wellbeing Policy, our Code of Conduct and related procedures • Support and participate in the building and maintenance of the Commission's child safe culture • Prioritise the safety of children in all work • Identify and act on personal child safety learning needs. |
| <p>Managers – additional responsibilities</p> | <ul style="list-style-type: none"> • Champion zero tolerance of child abuse • Model best practice as a child safe organisation • Prioritise the safety of children in all decisions • Ensure policies and procedures are current, address the risks of child abuse and ensure these are communicated to staff • Advise staff of their obligations to comply with the Commission's Child Safety and Wellbeing Policy, Code of Conduct and related procedures • Monitor for staff compliance with the policy and code and take action if breaches are detected • Advise new staff of their roles and responsibilities during the induction process • Coach staff on understanding and managing child safety risks • Monitor staff contact with children and young people and use supervision to confirm professional boundaries and child safe practice • Support staff to develop their understanding of cultural safety • Ensure appropriate child safety screening is undertaken in all recruitment processes. |
| <p>Director Regulation and General Counsel – additional responsibilities</p> | <ul style="list-style-type: none"> • As a member of the Commission's Governance Group, facilitate and support our child safe culture • Facilitate learning on cultural safety and a risk informed approach to child safety • Inform organisations we work with about our child safe approach • Seek feedback on our practices to support continuous improvement |

| | |
|---|---|
| | <ul style="list-style-type: none"> • The Director Regulation is an alternate Commission Child Safety Officer if the CEO is on leave or unavailable and will act on reports of child safety concerns, including: <ul style="list-style-type: none"> ○ receiving reports from any source ○ enquiring into, investigating reports or commissioning an investigation ○ making a determination and taking action to protect child safety |
| <p>Chief Executive Officer – additional responsibilities</p> | <ul style="list-style-type: none"> • Act on reports of child safety concerns as the Commission's Child Safety Officer, including: <ul style="list-style-type: none"> ○ receiving reports from any source ○ enquiring into, investigating reports or commissioning an investigation ○ making a determination and taking action to protect child safety • as the HR delegate, take action in relation to breaches of the Code of Conduct. |
| <p>Commissioners – additional responsibilities</p> | <ul style="list-style-type: none"> • Lead the Commission's child safe culture • Model best practice as a child safe organisation • Champion inclusive, non-discriminatory environments and activities which encourage children and young people to celebrate their identity • Mobilise organisations and the community to improve child safety • Ensure the Child Safety Officer is appropriately trained and equipped to respond to child safety concerns, and hold the Child Safety Officer accountable for performance of that function • In the event of concerns or allegations of child safety concerns regarding the Chief Executive Officer (and Child Safety Officer), receive and act on concerns raised. |

7. Statement of commitment to child safety

We describe our commitment to child safety in words and in practice so our people know what is expected of them, and others know what they can expect from us.

This section explains some of the things we do to create a child safe environment at the Commission.

We have zero tolerance of all forms of child abuse, including physical abuse, sexual abuse, emotional and psychological abuse, sexual misconduct including grooming and neglect of any kind. We are committed to taking the necessary steps to protect children and young people from harm by adopting a preventative, proactive and participatory approach to child safety. We undertake to continuously develop and strengthen our child safe approach. We uphold our child safe responsibilities across all of our work environments, whether office-based, off-site or at home. We take any concerns of child abuse seriously and prioritise the safety of children in our response.

We know that children face increased vulnerabilities in particular contexts, taking into account their diverse backgrounds and circumstances. We seek to foster inclusive, non-discriminatory environments and activities that encourage children and young people to celebrate their identity.

Some of the ways we demonstrate our commitment to child safety in practice are set out below.

| Child Safe Standard | Our commitment | Our commitment in practice |
|---|--|--|
| Child Safe Standard 1 – Organisations establish a culturally safe environment in which the diverse and unique identifies and experiences of Aboriginal children and young people are respected and valued. | We are committed to ensuring our organisation is a place where Aboriginal children feel safe, respected and valued. | We equip all Commission staff with knowledge of the strengths of Aboriginal cultures, so that staff can appreciate the role of culture in the wellbeing and safety of Aboriginal children and young people. |
| Child Safe Standard 2 – Child Safety and wellbeing is embedded in organisational leadership, governance and culture. | We commit to consider the safety and wellbeing of children in everything we do. | Child safety is considered the foremost priority by staff at all levels of the organisation. We adhere to our legal obligation to promote the best interests of children and young people. Child safety matters are routinely discussed at staff meetings, management meetings and governance meetings. Our leadership demonstrates commitment to child safety. |
| Child Safe Standard 3 – Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously. | We commit to engaging with children and young people in the design of key policies and directions and co-developing an ongoing engagement framework to inform and enrich our work. We commit to developing and sharing child friendly information and pathways for children to contact and engage with the Commission. | We convene a Youth Council to proactively bring the voices of young people into the planning, design and delivery of our work. Our Child and Youth Engagement Framework is developed and reviewed in consultation with our Youth Council. We regularly engage directly with children and young people to hear their views. We take these views into account in performing the Commission's functions. With consent, we share the views of children and young people with Government. |
| Child Safe Standard 4 – Families and communities are informed, and involved in promoting child safety and wellbeing. | We commit to communicating with communities about our child safety and wellbeing operations. | We regularly hold forums, develop communications and directly speak to communities about the Commission's involvement in child and young people safety and wellbeing. |
| Child Safe Standard 5 – Equity is upheld and diverse needs respected in policy and practice. | We are committed to understanding the diverse circumstances of children and young people and working to ensure this knowledge informs everything we do. | We educate staff about the diverse circumstances of children and young people. We build a culturally safe environment for Aboriginal children and young people. We develop communications that are accessible/easy to understand for children and young people. |
| Child Safe Standard 6 – People working with children and young people are suitable and | We commit to reviewing and continuously improving our human resource practices in line with best practice, to: | Robust recruitment and screening practices are in place. All staff, authorised persons, temporary contractor staff and adult |

| | | |
|--|--|--|
| <p>supported to reflect child safety and wellbeing values in practice.</p> | <ul style="list-style-type: none"> deter and prevent unsuitable people from working or volunteering at the Commission. ensure that all staff, contractors, volunteers and authorised persons understand and enact their responsibilities to support the safety of children identify and take action to address behaviours and practices that place children at risk of abuse. | <p>volunteers must have a current WWCC and pass safety screen (police) checks before being permitted to work for the Commission.</p> <p>We screen for appropriateness to engage with children and young people as part of recruitment processes including asking questions of applicants and speaking to referees.</p> <p>We supervise our staff, authorised persons and contractors in their engagement with children and young people.</p> <p>We provide training on induction and ongoing for staff on the Commission’s Child Safe Framework.</p> <p>We ensure that staff have the necessary training to support their ability to work with or engage children and young people.</p> <p>We continuously refine our child safe policies and procedures.</p> <p>We have a dedicated framework for managing risk of child abuse by new and existing personnel.</p> |
| <p>Child Safe Standard 7 – Processes for complaints and concerns are child focused.</p> | <p>We commit to having clear procedures to inform staff, volunteers, contractors and authorised persons of their obligation to report child safety concerns and processes to do so.</p> <p>We respond to disclosures and allegations of abuse in a trauma informed way that removes the barriers to disclosure and manages the risks of further harm to children.</p> | <p>Our Procedure for responding to and reporting suspected child abuse guides our staff, volunteers, contractors and authorised persons.</p> <p>When engaging with children and young people, we provide them with child-friendly information about how to raise a safety concern or complaint.</p> <p>We report potential child abuse to the appropriate authorities.</p> <p>We have a nominated Child Safety Officer to receive and respond to any child safety concerns in relation to our staff, volunteers, contractors and authorised persons.</p> <p>We educate our staff about trauma-informed practice.</p> |
| <p>Child Safe Standard 8 – Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.</p> | <p>We commit to ensuring our staff have the skills to keep the safety of children and young people at the centre of everything they do.</p> | <p>Our staff receive regular training and support to implement the Commission’s child safety and wellbeing policies and operations.</p> |
| <p>Child Safe Standard 9 – Physical and online environments promote</p> | <p>We commit to ensuring our online environment is used in accordance with our Code of</p> | <p>Our procurement policies ensure the safety of children and young people.</p> |

| | | |
|--|--|---|
| <p>safety and wellbeing while minimising the opportunity for children and young people to be harmed.</p> | <p>Conduct and child safety and wellbeing policy and practices.</p> <p>We commit to identifying and mitigating risks to the safety of children and young people in all our operations.</p> | <p>The Commission’s online environment is used in accordance with the Code of Conduct and child safety and wellbeing policy and practices.</p> <p>We routinely conduct risk assessments before new activities involving children and young people commence.</p> |
| <p>Child Safe Standard 10 – Implementation of the Child Safe Standards is regularly reviewed and improved.</p> | <p>We are committed to ensuring Child Safe Standards reflect latest research about harm prevention strategies for children and young people</p> | <p>Our organisation will review the implementation of the Child Safe Standards every year and update according to feedback gathered from stakeholder concerns and safety incidents and current research.</p> |
| <p>Child Safe Standard 11 – Policies and procedures document how the organisation is safe for children and young people.</p> | <p>We are committed to ensuring our policies and procedures are clearly documented and accessible.</p> | <p>Our policies and procedures will be regularly reviewed and updated. Staff will be made aware of where our organisation’s policies and procedures are kept for easy access.</p> |

8. Definitions

This section explains what we mean when we use particular words.

Aboriginal

The term ‘Aboriginal’ in this policy is inclusive of Aboriginal and Torres Strait Islander peoples.

Child

The words ‘child’ and ‘children’ in this guide refer to children and young people up to the age of 18 years. This definition is consistent with the national framework, *Creating Safe Environments for Children – Organisations, Employees and Volunteers*, the *Commission for Children and Young People Act 2012*, the *Child Wellbeing and Safety Act 2005* and the *Children, Youth and Families Act 2005*.

Child abuse

- Emotional and psychological abuse**

Emotional and psychological harm may involve conveying to a child that they are worthless, unloved, inadequate or rejected, or causing a child to frequently feel frightened or in danger. Emotional or psychological abuse often diminishes a child’s sense of identity, dignity and self-worth, and the impact can be chronic and debilitating.
- Physical abuse**

Physical abuse can occur when a person intentionally or recklessly uses physical force against, with or in the presence of a child without their consent, which causes, or could cause, the child harm. Physical abuse can also occur when someone intentionally or recklessly causes a child to believe that physical force is about to be used against them without their consent. Physical abuse

can include hitting, punching, kicking, pushing or throwing something that strikes a child. It also includes threatening behaviour, such as words or gestures, that causes a child to believe that they are about to suffer physical abuse.

- **Sexual abuse**

Sexual abuse encompasses a broad range of behaviours involving a sexual element that are committed against, with or in the presence of a child. Behaviour that could amount to sexual abuse spans a broad range of behaviours from sexual misconduct to a sexual offence. A sexual offence will generally encompass any sexual encounter that involves a child. This abuse may involve contact, like touching or penetration. It also includes behaviours that do not involve contact like 'flashing', possessing child abuse material or grooming.

Grooming is when an adult person engaged in predatory conduct to prepare a child or young person for sexual activity at a later time. It may include a combination of actions, including gift-giving, inappropriate special attention, close physical contact, or controlling behaviour that makes a young person fearful of reporting unwanted behaviour. A full list of the relevant sexual offences is set out in clause 1 of Schedule 1 to the *Sentencing Act 1991*.

- **Sexual misconduct**

Sexual misconduct includes a variety of sexualised behaviours with or towards children. This could include inappropriate conversations of a sexual nature, comments that express a desire to act in a sexual manner, or in some cases, behaviour that crosses a professional boundary such as having or seeking to establish an inappropriate or overly familiar relationship with a child.

- **Neglect**

Neglect is a failure on the part of a caregiver to provide sufficient attention, responsiveness and protection that is appropriate to the basic needs of a child to ensure that these needs are met. Neglect includes failure to provide adequate health care, supervision, clothing, nutrition or housing, as well as failing to meet a child's physical, emotional, social, educational and safety needs.

Child Safety Officer

The Commission's Child Safety Officer is a nominated senior executive with the responsibility, authority, knowledge and training to receive and act on any child safety concerns in relation to the Commission's staff, volunteers, contractors or authorised persons.

Cultural and linguistic diversity

The term 'cultural and linguistic diversity' refers to the range of different cultural and language groups represented in the population who identify as having particular cultural or linguistic affiliations. The term acknowledges that diversity may arise from a range of circumstances including place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home.

Disability

Disability means:

- the total or partial loss of a body part or a bodily function (such as mobility, sight or hearing)
- the presence in the body of organisms that may cause disease
- malformation or disfigurement
- a mental or psychological disease or disorder; or
- learning difficulties.

Disability may be permanent, non-permanent or an increased chance of developing a disability in future. Disability also includes behaviour that may be a symptom or expression of disability even if that disability is not formally diagnosed.

The Commission recognises that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others.

Appendix A: United Nations Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child is summarised below. The full Convention can be found at <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

- Every child has the inherent right to life, and states shall ensure to the maximum extent possible child survival and development.
- Every child has the right to a name and nationality from birth.
- Children shall not be separated from their parents, except by competent authorities for their wellbeing.
- States shall facilitate reunification of families by permitting travel into, or out of, their territories.
- Parents have the primary responsibility for a child's upbringing, but states shall provide them with appropriate assistance and develop childcare institutions.
- States shall protect children from physical and mental harm and neglect, including sexual abuse or exploitation.
- States shall provide parentless children with suitable alternative care. The adoption process shall be carefully regulated, and international agreements should be sought to provide safeguards and assure legal validity if and when adoptive parents intend to move a child from his or her country of birth.
- Children with disability shall have the right to special treatment, education and care.
- Children are entitled to the highest attainable standard of health. States shall ensure that health care is provided to all children, placing emphasis on preventative measures, health education and reduction of infant mortality.
- Primary education shall be free and compulsory. Discipline in schools shall respect the child's dignity. Education should prepare the child for life in a spirit of understanding, peace and tolerance.
- Children shall have time to rest and play, and shall have equal opportunities for cultural and artistic activities.
- States shall protect children from economic exploitation and from work that may interfere with their education or be harmful to their health or wellbeing.
- States shall protect children from the illegal use of drugs and involvement in drug production or trafficking.
- All efforts shall be made to eliminate the abduction and trafficking of children.
- Capital punishment or life imprisonment shall not be imposed for crimes committed before the age of 18.
- Children in detention shall be separated from adults; they must not be tortured or suffer cruel or degrading treatment.
- No child under the age of 15 shall take any part in hostilities; children exposed to armed conflict shall receive special protection.
- Children of minority and indigenous populations shall freely enjoy their own culture, religion and language.
- Children who have suffered mistreatment, neglect or exploitation shall receive appropriate treatment or training for recovery and rehabilitation.
- Children involved in infringements of the penal law shall be treated in a way that promotes their sense of dignity and worth and aims at reintegrating them into society.
- States shall make the rights set out in the Convention widely known to both adults and children.

The Victorian Charter of Human Rights and Responsibilities is available at <https://www.humanrights.vic.gov.au/for-individuals/human-rights/> and includes, among other rights, the right to the protection of children and the particular rights of children in the criminal process.

| | |
|--|---|
| TRIM reference: CCYPD/22/134877 | Version: 3 |
| Review by: 31 January 2024 | Responsible officer: Manager, Corporate Services |