

## **Child Safety Policy**

### **1.0 Purpose**

To demonstrate Bendigo Kangan Institute's (BKI) commitment to providing a safe environment and ensuring that children are able to experience the fundamental right to be protected from all forms of child abuse.

### **2.0 Scope**

This policy applies to all relevant Bendigo Kangan Institute employees, contractors and all students as well as volunteers involved in the provision or support of training to children.

### **3.0 References**

Child Wellbeing and Safety Act 2005  
Commission for Children and Young People Act 2012  
Crimes (Amendment) Protection of Children Act 2014  
Children, Youth and Families Act 2005  
Disability Discrimination Act 1992  
Equal Opportunity Act 2010  
Education for Overseas Students Act 2000  
National Code for Providers of Education Services and Training to Overseas Students 2018  
Working with Children Act 2005 (the Act)  
Working with Children Check, Victoria  
Recruitment Policy  
Employee Code of Conduct  
Mandatory Reporting Procedure

### **4.0 Principles**

Respect for children and their safety.

Promotion of a healthy and safe workplace for all children, our employees and volunteers.

An effective approach to training that supports our leadership team, employees and volunteers to achieve these commitments to a child safe workplace.

### **5.0 Policy Statement**

#### **Our commitment to child safety**

Bendigo Kangan Institute is committed to child safety, providing opportunities for children to participate in education and empowerment of all children.

We have zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently with our robust policies and procedures.

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### **5.1 BKI's Duty of Care to our Students.**

BKI recognises that it owes all students a duty of care to take reasonable measures to protect them from risks of injury that should have been reasonably foreseen.

BKI also recognises that it has a duty to ensure that a student will not be injured or harmed by the state of premises or things done or omitted to be done in relation to the state of BKI premises.

Where there are students with disabilities BKI will take seriously its obligation to protect these children from any discrimination or harm they could encounter. BKI recognises the additional duty of care that it owes to students under 18 and will ensure that it promotes the safety of all children, inclusive of those with disabilities that may make them more vulnerable to harm such as bullying or harassment, humiliation, physical or sexual abuse.

### **5.2 Reporting of Child Safety Concerns**

BKI will ensure that students are aware of their ability to report behavior that is inappropriate to BKI staff and know that their concerns will be handled in accordance with legislative requirements.

BKI is committed to preventing child abuse and identifying risks early, and reporting these risks. We will meet our legal and moral obligations to contact authorities when we are worried about a child's safety, and will record all allegations and investigations in accordance with the Act.

BKI will train and educate all employees on identifying and reporting child abuse risks. Any suspected inappropriate behavior will be reported through appropriate channels, including the Department of Health and Human Services (DHHS) and Victoria Police, depending on the severity and urgency of the matter.

BKI will have a designated Child Safety Officer who will be the point of contact for managing concerns in relation to suspected concerns of child abuse in any form. The Child Safety Officer will assist staff and students in understanding their obligations in relation to Child Safety.

Mandatory Reporting under the Children Youth and Families Act 2005 requires certain professions to report concerns of child abuse, it is an expectation that all BKI staff will report any and all concerns for the wellbeing of children and young people to the appropriate authorities and the Child Safety Officer.

The Reportable Conduct scheme imposes obligations on the Head of an organisation to report child abuse by any BKI staff member or volunteer to the Commission for Children and Young People (CCYP) in keeping with the CCYP.

Where an employee forms a belief on reasonable grounds that a child:

- is in need of protection, the employee should report their concerns to DHHS Child Protection or Victoria Police.
- is displaying behaviors that suggest sexual abuse may be occurring, they should report their concerns to DHHS Child Protection.

If employees have significant concerns for the wellbeing of a child or young person, they must report their concerns to DHHS Child Protection or Police.

In cases where employees have concerns about a child or young person, they must also discuss their concerns with the Child Safety Officer.

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

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Our organisation takes our legal responsibilities seriously, including:

- **Mandatory Reporting:**

The mandatory reporting obligation is set out in Part 4.4 of the Children, Youth and Families Act 2005. Section 184 imposes an obligation on registered teachers and other persons listed in section 182 to make a mandatory report if they form a belief on reasonable grounds that a child is in need of protection on the grounds that the child has suffered, or is likely to suffer, significant harm because of physical injury or sexual abuse, and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

- **Failure to disclose:**

All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police, unless the person has a reasonable excuse for not doing so. This offence was introduced as part of the Crimes Amendment (Protection of Children Act 2014). This offence can carry a penalty of up to 3 years' imprisonment.

- **Failure to protect:**

This offence applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that school.

A relevant organisation is one that exercises care, supervision or authority over children. A person in a position of authority in a relevant organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

A failure to protect is considered to be an offence which can carry a penalty of up to five years' imprisonment under the Crimes Amendment (Protection of Children (Act) 2014).

### **5.3 BKI Employees and Child Safety**

BKI takes all reasonable steps to employ skilled people to work with children. We develop selection criteria and advertisements which clearly demonstrate our commitment to child safety and an awareness of our social and legislative responsibilities.

All staff engaged by BKI will be subject to employment suitability checks (as outlined in the *Recruitment Policy* and *Recruitment Procedure*) with any and all relevant regulatory bodies. This includes but is not limited to Victorian Teachers Institute, Department of Health and Human Services or Department of Justice.

All staff, including volunteers and contractors, are required to hold the relevant valid Working with Children Check (WWCC) and to provide evidence of this Check, in line with the *Working With Children Check Procedure*. Individuals who cannot provide satisfactory evidence of suitability for employment within this child safe organisation will not be engaged by BKI in any employment or volunteer capacity.

### **5.4 Appropriate Workplace Behavior when working with children and young people** **Acceptable behaviors**

As BKI staff, volunteers and contractors we are responsible for supporting and promoting the safety of children by engaging in appropriate behaviors when working with children which includes but is not limited to the following;

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- upholding the Institute's statement of commitment to child safety and child safety policy at all times
- treating students and families in the community with respect both within the institute environment and outside the institute environment as part of normal social and community activities.
- listening and responding to the views and concerns of students, particularly if they are telling you that they or another child has been abused or that they are worried about their safety/the safety of another child
- promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander students
- promoting the cultural safety, participation and empowerment of students with culturally and/or linguistically diverse backgrounds
- promoting the safety, participation and empowerment of students with a disability
- promoting the safety, participation and empowerment of students of diverse sex and gender identities and sexual orientations
- reporting any allegations of child abuse or other child safety concerns to the institute's child safety officer
- understanding and complying with all reporting or disclosure obligations (including mandatory reporting) as they relate to protecting children from harm or abuse
- if child abuse is suspected, ensuring as quickly as possible that the student(s) are safe and protected from harm
- observe professional boundaries with children at all times, including when interacting with children from the institute outside of BKI.

### 5.4.1 Unacceptable behaviors when working with children and young people

As staff, volunteers and contractors at a child safe organisation work we must not engage in any of the following behaviors when working with children:

- condone or participate in any behavior with a child that is illegal, unsafe or abusive
- ignore or disregard any concerns, suspicions or disclosures of child abuse
- use hurtful, discriminatory or offensive behavior or language with a child
- develop a relationship with any student that could be seen as favoritism or amount to 'grooming' behavior (for example, offering gifts or special treatment)
- exhibit behaviors or engage in activities with students which may be interpreted as abusive and not justified by the educational, therapeutic, or service delivery context
- engage in any unnecessary physical contact with a child unless in the context of the learning environment
- ignore behaviors by other adults towards students when they appear to be overly familiar or inappropriate
- discuss content of an intimate nature or use sexual innuendo with students, except where it occurs relevantly in the context of parental guidance, delivering the education curriculum or a therapeutic setting
- treat a child unfavorably because of their disability, age, sex, gender identity, race, culture, vulnerability, sexuality or ethnicity.
- communicate directly with a student through personal or private contact channels (including by social media, email, instant messaging, texting etc.) except where that communication is reasonable in all the circumstances, related to school work or extra-curricular activities or where

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there is a safety concern or other urgent matter

- photograph or video a child in an institute environment except in accordance with institute policy or where required for duty of care purposes
- Use any computer, mobile phone or other digital device to exploit or harass a child or in any way access inappropriate material or content related to children

This list is not exhaustive and further information in relation to what constitutes unacceptable behaviors when working with children may be found on the Commission for Children and Young People website.

### 5.5 BKI and Younger International Students

BKI meets its commitment pursuant to the requirement of the National Code of Practice for Providers of Education and Training to Overseas Students 2018. The Standards for overseas providers set out that providers must meet legislative or other regulatory requirements relating to Child Welfare and Protection. In keeping with the Standards, BKI provides overseas students aged under 18 with emergency contact information and information about how to report actual or alleged abuse.

### 5.6 VCAL Students

Where BKI provides courses for VCAL students under the age of 18 BKI will follow its policies and procedures to ensure the safety of these students as per the VCAL policy and procedure and VCAL Student Handbook.

Where an incident regarding the safety of a VCAL student occurs on BKI grounds or on a BKI sanctioned activity such as a placement or excursion BKI will follow the Child Safety Procedure as well as the Four Critical Actions for VET and Higher Education Providers processes.

### 5.7 BKI and Student Placements

In keeping with its commitment to Child Safety BKI will ensure that BKI students working with children as part of their placements will obtain the necessary working with children checks prior to commencing their placements.

Students who are under 18 and undertaking placements or structured workplace learning will be monitored by a student placement coordinator and are given instructions on how to make a complaint if any issues of child safety arise during the course of their placement.

### 6.0 Roles and Responsibilities

Role	Responsibilities
Chief Executive Officer	<ul style="list-style-type: none"> <li>• Oversee implementation of Recruitment policy to ensure effective screening of potential employees.</li> <li>• Authorise the establishment of a reporting framework for abuse allegations.</li> <li>• Authorise the establishment of a system for supporting persons identified in a report of abuse.</li> <li>• Responsible for reporting Child abuse and neglect by a worker or volunteer or adult associated with BKI</li> </ul>
Chief Organisation Capability Officer	<ul style="list-style-type: none"> <li>• Implement Recruitment policy to ensure effective screening of potential employees.</li> <li>• Oversee provision of staff training in Child Safety Standards.</li> <li>• Monitor and maintain the ongoing suitability of all employees and volunteers, including but not limited to Working with Children Check, Victorian Institute of Teaching registration, Disability Worker Exclusion Scheme.</li> </ul>

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Chief Academic Officer	<ul style="list-style-type: none"> <li>Oversee the reporting framework for abuse allegations.</li> <li>Oversee the system for supporting persons identified in a report of abuse.</li> <li>Ensure support to employees and others who are reporting suspected abuse.</li> </ul>
Child Safety Officer	<ul style="list-style-type: none"> <li>Promoting a child safety culture and being a point of contact for student and staff concerns regarding child abuse in any form.</li> </ul>
Manager, Student Engagement and Retention	<ul style="list-style-type: none"> <li>Manage a system for managing reports of abuse.</li> <li>Manage and report cases of suspected abuse.</li> <li>Manage a support system for persons identified in a report of abuse.</li> <li>Manage and support the Child Safety Officer to meet our obligations.</li> </ul>
Executive	<ul style="list-style-type: none"> <li>Oversee supervision of staff in respective portfolios to reduce risk of child abuse.</li> </ul>
Employees	<ul style="list-style-type: none"> <li>Maintain their awareness and comply with the requirements of this policy and associated processes.</li> <li>To contact authorities when they are worried about a child's safety.</li> <li>Must be committed to identifying risks early and removing and reducing these risks to children.</li> <li>Participate in regular organisational training on child abuse risks.</li> <li>Be committed to the cultural safety of Aboriginal Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, lesbian, gay, bisexual, transgender and intersex children and young people and provide a safe environment for children with a disability and those who are unable to live at home.</li> </ul>
Manager Teaching Department	Ensure that all students undertaking a practical placement where children may be involved will obtain the necessary Working with Children Checks as part of our commitment to maintaining child safety.

## 7.0 Definitions

Word/Term	Definition
Suspected Child Abuse:	Is a belief on reasonable grounds that a child is in need of protection on a ground referred to in Sections 162(c) or 162(d) of the Children, Youth and Families Act, formed in the course of practicing his or her office, position or employment. This includes suspicions of any of the recognised abuse types, i.e. physical abuse, emotional abuse, sexual abuse and neglect.
WWC Check	In 2006, the Victorian Government introduced a new checking system to help protect children under 18 years of age from physical or sexual harm. The Working with Children Check (WWC Check) creates a mandatory minimum checking standard across Victoria.
DHHS	Department of Health and Human Services Victoria.

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CCYP	Commission for Children and Young People They are an independent statutory body that promotes improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people. They have the power to oversee and enforce organisations compliance with the standards in the Child Wellbeing and Safety Act 2005
Child Safe Organisation	BKI is a child safe organisation that promotes the protection and values all children and their safety
Child Safe Standards	The Standards are based on the findings of the Royal Commission into institutional child abuse. There are seven standards and they are mandated in Victoria. The Standards work by driving organisation changes in culture, highlighting that we have a role to keep children safe from abuse and that a minimum standard of child safety applies across all organisations.
Mandatory Reporting	Mandatory Reporting applies to particular classes of persons who are mandated to report sexual and physical abuse of a child under the age of 16 years. The Children Youth and Families Act 2005 outlines the classes of mandatory reporters.
Reportable Conduct	The onus of reporting child abuses and neglect by a worker or volunteer rests with the CEO of BKI. Such conduct is reportable to the Commission for Children and Young People pursuant to the CCYP Reportable conduct scheme.
Failure to Protect	This offence relates to a failure by any person in authority to protect a child from a sexual offence and has the power or responsibility to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence and negligently fails to do so.
Failure to disclose	This offence was introduced as part of the Crimes Amendment (Protection of Children Act 2014). This offence can carry a penalty of up to 3 years' imprisonment. A failure to disclose applies to a failure to disclose a sexual offence committed against a child under the age of 16 years and applies to any person over the age of 18.
Reasonable excuse	A person will not be guilty of the offence if he or she has a reasonable excuse for not disclosing the information. A reasonable excuse includes: <ul style="list-style-type: none"> <li>• fear for safety</li> <li>• where the information has already been disclosed.</li> </ul>
Reasonable belief	A 'reasonable belief' is not the same as having proof. 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 when: <ul style="list-style-type: none"> <li>• a child states that they have been sexually abused</li> <li>• a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)</li> <li>• someone who knows a child states that the child has been sexually abused</li> <li>• professional observations of the child's behavior or development leads a mandated professional to form a belief that the child has been sexually abused</li> <li>• signs of sexual abuse leads to a belief that the child has been sexually abused.</li> </ul>

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### 8.0 Supporting Procedures

Doc ID	Procedure name
TBC	WWC Procedure
TBC	Recruitment Procedure
TBC	Child Safety Procedure
	Mandatory Reporting Procedure

### 9.0 Version Control and Change History

Ver.	Approved By	Approval Date	Issue Date	Description of Change	Next Scheduled Review Date	Document Owner
1.0	CEO	07/11/2016	07/11/2016	New policy	04/02/2020	Executive Director Learner Experience
2.0	Board of Studies	DD/M/2019	DD/M/2019	Updated	DD/M/2019	Chief Academic Officer
2.1	Board of Studies	28/08/19	28/08/19	Updating as per VRQA registration requirements	01/03/2023	Chief Executive Officer
2.2	Board of Studies	05/02/2020	06/02/2020	Updating to include appropriate and inappropriate behaviors around children as well as requirement for all BKI staff to hold WWCC	01/03/2023	Chief Executive Officer