

Child Safety and Wellbeing Policy

Purpose

Holden Street Neighbourhood House Inc is committed to ensuring the safety and wellbeing of children. It provides guidance to all management, staff and volunteers on their obligations and responsibilities.

Scope

This policy applies to the premises at 128 Holden Street, Fitzroy North Vic 3068, as well as activities conducted by Holden Street at other locations. It applies to the governing body, employees and all attendees at the house (see definitions below).

Guiding principles

Holden Street is committed to ensuring the safety and wellbeing of children all children who attend services, programs and events delivered by, and spaces managed by Holden Street, All children have the right to feel and be safe. Holden Street has zero tolerance of child abuse and are committed to creating and maintaining a safe and empowering environment, where protecting children and preventing and responding to child abuse is embedded in our culture.

The following principles underpin these processes:

- a) Children brought onto the site must, at all times, be under the direct supervision and care of their accompanying parent or carer or approved internal or external organisational staff member.
- b) The health and safety of children is a priority.
- c) The physical environment at Holden Street will be maintained so that the children are safe and thrive. Holden Street recognises that it owes children a duty of care to take reasonable measures to protect them from injury risks that are reasonably foreseen.
- d) Appropriate staffing arrangements and checks are in place and followed to meet child safe standards and quality framework. Holden Street promotes child safety through identifying potential risks and applying mitigations to reduce or eliminate these risks.
- e) Child safe measures as part of the responsibilities of governance and management. Holden Street recognises that staff and all attendees need to be provided with resources to be able to identify risk factors and manage incidents that arise.
- f) Holden Street seeks to provide an environment which is spiritually, socially, emotionally and physically safe for all of the people we work with, including children, recognising their cultural and/or linguistic identity. [OB]

Responsibilities (including specific roles and responsibilities)

The following specific roles and responsibilities are in operation.

The Governing body will be responsible for the following:

- Providing oversight to ensure Holden Street is compliant with current and relevant child safety legislation.
- Ensuring appropriate policies are in place and are followed to ensure the safety and wellbeing of children.
- Undertaking regular reviews to ensure Holden Street has adequate insurances to meet legislative requirements and funding obligations (as required) to cover employees and all attendees at the house, as appropriate.

The **Manager** is responsible for implementing effective child safety and wellbeing processes and management of the organisation.

The Manager will be responsible for the following:

- Ensuring the safety and wellbeing of children when attending Holden Street or off-site
- Overseeing that Holden Street is a well-maintained facility
- Conducting audits of the facilities and environment to ensure compliance with child safety legislation and guidelines, and keeping abreast of updates and changes
- Working in collaboration and consultation with employees and volunteers to develop codes of conduct, policies and procedures relevant to child safety requirements
- Ensuring all employees and volunteers are suitable and will support child safety and wellbeing values in practice, through adequate screening, supervision, background checks and training.
- Taking steps to ensure all attendees to the house conduct themselves according to codes of conduct, policy and procedures.
- The recruitment of new staff will highlight Holden Street's commitment to child safety and all staff are required to hold a valid Working with Children Check and police check before commencement with Holden Street.
- Ensuring there are processes in place for responding to and reporting suspected child abuse.
- Providing updates on child safety matters to the governing body and ensuring that Annual Reports detail compliance activities.

Employees are responsible for the following:

- Agreeing to and following policy, procedures and codes of conduct, as well as completing required training
- Exercising duty of care towards children attending Holden Street

Complying with Legal Obligations

Holden Street takes reporting and privacy obligations seriously when storing and sharing information. In certain instances, not reporting or acting to protect a child could result in an offence.

Mandatory reporting: Children, Youth and Families Act 2005 requires mandatory reporters, as listed section 182; including wellbeing and welfare workers, must when, in the course of practising their profession or carrying out duties of their office, position or employment, they form a reasonable belief a child is in need of protection from physical or sexual abuse make a mandatory report to DFFH Child Protection. Mandatory reporters must report to DFFH Child Protection as soon as practicable after forming a reasonable belief and make a report each time they become aware of any further reasonable grounds for the belief.

Failure to Disclose: The Crimes Act 1958 requires all persons aged 18 or above in Victoria, who have a reasonable belief* that a person aged 18 or above has committed a sexual offence against a child under the age of 16, must report that information to Victoria Police unless the person has a reasonable excuse for not doing so. *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, when: A child states they have been abused; a child states they know someone who has been abused; someone who knows a child states that the child has been abused; professional observations of the child's behaviour or development leads a mandated professional to for the belief; signs or indicators of abuse leads to a belief that the child has been abused or is at risk of being abused.

Failure to Protect: The Crimes Act 1958 requires those in positions of authority to act, this could be Managers, having capacity to reduce or eliminate substantial risk of a sexual abuse to a child under the age of 16 (under their care, supervision or authority) committed by a person aged 18 or above associated with the organisation.

Failure to Report: The Child Wellbeing and Safety Act 2005 requires the nominated head of an organisation, on becoming aware of Reportable Conduct within 3 business days ensure report made to the CCYP and conduct of a criminal nature reported to Victoria Police. Within 30 calendar days provide CCYP with the investigation outcome, or update.

Reporting

The Manager is legally required to be responsible for hiring staff and volunteers and completing Working with Children checks and police checks before commencement of duties. The Manager is required to report all complaints made by any person or child about staff or volunteers to the Commission for Children and Young People and follow the Holden Street 'Child Safety Complaints and Reporting procedure'. All HSNH users will utilise the Reporting Flowchart when a complaint occurs. If the subject of the complaint is the Manager, staff and volunteers will immediately contact the next senior staff person who will undertake the reporting procedure.

Relevant legislation, regulatory bodies

Child Safe Standards

Child Wellbeing and Safety Act 2005

Children, Youth and Families Act 2005

The Crimes Act 1958

National Quality Framework

National Quality Standards

Privacy Act 1988

Privacy and Data Protection Act 2014

Procedural Framework

Holden Street meets their duty of care responsibilities within a procedural framework encompassing policies and procedures relating to the following National Quality Standards:

1. Children's health and safety
2. Physical environment
3. Staffing arrangements
4. Governance and leadership

Relevant guidelines and rules

This policy also relates to the organisational policies outlined below:

- The Code of Conduct for Staff members and all attendees at the House
- The Holden Street Neighbourhood House Constitution
- The Holden Street Neighbourhood House Operations Manual

- The Holden Street Neighbourhood House Risk Register
- The Holden Street Child Safety Code of Conduct
- [Child Safety Complaints and Reporting Procedure .docx](#)
- 5. [How to report child safety complaints flowchart poster.png](#)

Key Definitions

Governing body: the Committee of Governance, comprising the Chair, Treasurer, Secretary and individual members.

Attendees: includes volunteers, students, participants and all visitors including instructors and contractors.

Child: a person of 17 years and under.

Child abuse: refers to a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded, sexual misconduct, committed against, with or in the presence of, a child, physical violence committed against, with or in the presence of, a child, any behaviour that causes significant emotional or psychological harm to a child or significant neglect of a child.

Acronyms and abbreviations

CCYP:	Commission for Children and Young People
DFFH:	Department of Families, Fairness and Housing (Vic)
Holden Street/HSNH:	Holden Street Neighbourhood House