

	<h2>Child Safe Policy</h2>
Version No.	Version 6.0 7 October 2021
Endorsement	Mark Goodie - CEO 6th December 2018
Authorisation	MOSS Board of Directors, 20/12/2018
Review date	22 December 2021
Responsible person	Halime Aldemir & Talia Barrett – Child Safety Officers
Policy owner	Mark Goodie - CEO

1. Purpose

The purpose of this policy is to provide direction to agency personnel surrounding our duty of care to ensure Child Safety and meet our Child Safety commitments. The policy aims to ensure that all children remain safe and supported while accessing MOSS services and that MOSS staff maintain safe and respectful relationships with children whilst also meeting legal obligations.

2. Scope

This policy applies to all persons working for MOSS in either a direct or non-direct client related role at a MOSS site or in an outreach capacity.


Persons include:

- Board members
- Employees (permanent and casual)
- Volunteers
- Contractors and subcontractors
- Students on placement
- Any other person/s involved with MOSS, including co-located staff

In this policy the term 'employee' covers all persons listed above.

3. Definitions

Word/Term	Definition
Abuse	Child abuse is any action, or lack of action, that significantly harms the child's physical, psychological or emotional health and development
Child	Includes all children and young people under the age of 18 years who are being supported by MOSS
Child Safety	Measures to protect children from abuse
Victoria's (new) Child Safe Standards	Victoria's (new) Child Safe Standards are a set of 11 Standards for organisations to keep children and young people safe.

	Organisations are required to be compliant by 1 July 2022. These strengthen the previous 7 Child Safe Standards.
Reportable Conduct	<p>According to Information Sheet 2: What is reportable conduct under the Reportable Conduct Scheme? Source: COMMISSION FOR CHILD AND YOUNG PEOPLE includes:</p> <p>Sexual offences (against, with or in the presence of, a child) In Victoria, it is an offence to engage in certain sexual behaviours against, with or in front of, a child. Many of these behaviours are reportable conduct under the Reportable Conduct Scheme. This includes:</p> <div data-bbox="1197 403 1468 571" style="border: 1px solid black; padding: 5px; width: fit-content;">  <p>A child is anyone who is under 18 years of age.</p> </div> <ul style="list-style-type: none"> • sexual assault • indecent acts • possession of child abuse material • 'grooming' a child in order to commit a sexual offence. <p>A full list of the relevant sexual offences is set out in clause 1 of Schedule 1 to the Sentencing Act 1991.</p> <p>A worker or volunteer does not need to be charged with, or found guilty of, a sexual offence for their behaviour to be reportable conduct.</p> <p>The terms worker and volunteer are used to cover a range of people subject to the scheme. Further details are provided in Information Sheet 1 – About the Victorian Reportable Conduct Scheme, under the heading Who can a reportable allegation be made about under the scheme?</p> <p>Sexual misconduct (against, with or in the presence of, a child)</p> <p>'Sexual misconduct' captures a broader range of inappropriate behaviours of a sexual nature that are not necessarily criminal.</p> <p>Sexual misconduct refers to conduct that:</p> <ul style="list-style-type: none"> • amounts to misconduct • is of a sexual nature, and • occurred against, with, or in the presence of, a child. <p>Please refer to Information Sheet 9 – Sexual misconduct for further guidance.</p> <p>Physical violence (against, with or in the presence of, a child)</p> <p>Physical violence committed against, with or in the presence of a child can fall into two categories. Physical violence can be either:</p> <ul style="list-style-type: none"> • actual physical violence - a worker or volunteer intentionally or recklessly uses physical force against, with, or in the presence of a child without a lawful reason, which has the ability to cause injury or harm to the child. Actual physical violence can include hitting,

punching, kicking, pushing or throwing something that strikes a child or another person.

- apprehended physical violence - a worker or volunteer intentionally or recklessly engages in conduct or behaviour against, with, or in the presence of a child that is capable of causing a child to think that physical force is about to be used against them or another person. This could include words, gestures or actions that cause a child to believe physical force is about to be used against them, regardless of whether or not the worker or volunteer actually intended that any physical force would be applied.

Please refer to [Information Sheet 10 – Physical violence](#) for further guidance.

Behaviour that causes significant emotional or psychological harm

A child can be significantly emotionally or psychologically harmed by behaviour, such as sexual offences, sexual misconduct, physical violence and significant neglect. However, other types of behaviours can also cause significant emotional and psychological harm to a child, for example, severe or sustained instances of:

- verbal abuse
- coercive or manipulative behaviour
- hostility towards, or rejection of, a child
- humiliation, belittling or scapegoating.

There must be a clear link between the behaviour and the harm

There must be a clear link between the alleged behaviour and the emotional or psychological harm. In deciding whether there is a clear link, it may be helpful to consider the likelihood that the child would have been harmed if the alleged behaviour had not occurred.

Emotional or psychological harm may also be caused where an existing mental health disorder, such as anxiety or depression, has been exacerbated.

A child may display physical or behavioural signs that suggest they may have experienced behaviour which has caused them significant emotional or psychological harm. These signs may include:

- suicidal action, suicidal ideation or self-harm
- patterns of out-of-character, self-destructive, antisocial, or anxious behaviour
- ongoing sleep disturbance, nightmares or bedwetting
- regression in behaviour.

The harm must be 'significant'

Allegations that are reportable under this category must concern *significant* emotional or psychological harm. To be considered significant under the scheme, the alleged harm must be more than *trivial* or *temporary*.

We encourage organisations to consult with us if you need assistance to determine if the allegation involves significant emotional or psychological harm.

A professional psychological or medical assessment of the child may assist to determine whether they have suffered significant emotional or psychological harm. However, a clinical diagnosis will not be required in every case, for example where:

- the alleged behaviour is so serious and/or occurred over such a sustained period, that it can be reasonably inferred that the child has been harmed, or
- assessment may unreasonably re-traumatise or otherwise further harm the child.

Exceptions

An allegation will not be reportable if:

- the worker or volunteer has taken reasonable steps to protect a child from immediate harm
- the worker or volunteer has responsibility for discipline and has taken lawful and reasonable disciplinary action, such as sending a child to sit in 'time out' for a period of time, in line with organisational policy
- the worker or volunteer is an appropriately qualified worker or volunteer who has given medical treatment in good faith, such as a senior first aid officer administering first aid.

Serious neglect:

Significant neglect occurs when there is a significant, deliberate or reckless failure to meet the basic needs of a child in circumstances where the adult understood the needs of the child, or could have understood those needs if they had turned their mind to the question, and had the opportunity to meet those needs but failed to do so.

Examples of different types of neglect could include:

- **Supervisory neglect:** This may occur when a person responsible for the care of a child is unable or unwilling to exercise adequate supervision or control of the child or young person, or fails to seek or comply with appropriate medical treatment.
- **Physical neglect:** This may occur where there is the failure to meet a child's physical needs including the

	<p>provision of adequate and appropriate food, clothing, shelter or physical hygiene needs.</p> <ul style="list-style-type: none"> • Educational neglect: This may occur when there is a failure to ensure that a child’s formal education needs are being met. • Emotional neglect: This may occur where there is a failure to provide adequate nurturing, affection encouragement and support to a child. <p><u>‘Significant’ neglect</u></p> <p>Neglect will be significant where there has been a deliberate or reckless omission or omissions that separately or together have had, or could have, considerable force or effect on the safety or wellbeing of the child who is the victim of the neglect. For detailed guidance on significant neglect together with some practical examples, please refer to Information Sheet 11.</p>
Risk	Includes anything that can threaten the safety, protection and wellbeing of children

4. Policy

Merri Outreach Support Service (MOSS) is committed to ensuring safety for all children who access our service. The Agency has a range of policies and procedures supporting this commitment. Victoria’s new 11 Child Safe Standards come into effect from 1 July 2022. These strengthen the previous 7 Child Safe Standards to which MOSS is compliant. The Agency is committed to compliance with the new 11 Standards as a minimum requirement (see section 6 and links to *new Child Safe Standards- Information Sheet* and *Overview of new Child Safe Standards*).

We want children to be safe, happy and empowered. We support and respect all children, as well as our staff, volunteers or students on placement. We are committed to the cultural safety of Aboriginal and Torres Strait Islander children, the cultural safety of children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability.

MOSS has zero tolerance of child abuse, and all allegations and safety concerns will be treated seriously and in line with our policies and procedures. We have legal and social obligations to contact child protection and/ or the police when we have concerns about a child’s safety. These obligations include reporting any reportable conduct under the Reportable Conduct Scheme to the Commission for Children and Young People as established by the *Child Wellbeing and Safety Act 2005* (The Act).

MOSS provides regular training to our staff, volunteers and students on placement, on identifying child abuse and child safety risks factors.

MOSS will ensure service users, particularly those families with children are well informed of the Agency’s commitment to Child Safety through the provision of verbal information and MOSS brochures specific to our work with children. The MOSS website www.merri.org.au content will include information about the MOSS Commitment to Child Safety in easy to understand language.

4.1 Children

This policy is intended to empower children who are vital and active participants in our organisation. We involve them when making decisions, especially about matters that directly affect them. We listen to their views and respect what they have to say. It is an expectation that **ALL** children being supported by MOSS are assessed individually using the *'State-wide well-being tool'* and are involved in the formulation of their case plan. MOSS promotes diversity in our organisation, in particular we:

- promote the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children
- promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds
- ensure that children with a disability are safe and can participate equally
- promote the cultural safety, participation and empowerment of children who identify as LGBTI

4.2 MOSS staff, volunteers and students

This policy guides MOSS staff, volunteers and students on appropriate behaviour with children in our organisation. All MOSS personnel must agree to abide by our Child Safe Code of Conduct, by signing the MOSS Statement of Expectations, incorporating the Child Safe Code of Conduct.

Where prudent, MOSS personnel should use agency structures for consultation and support if they have concerns about child safety. MOSS has two Child Safety Officers, a role assumed by the Program Manager of the Regional Children's Resource Program and the Program Manager of the Bright Futures Program, who can provide invaluable support around child safety. Inappropriate behaviour will be reported through appropriate channels, including the Department of Health and Human Services and Victoria Police, depending on the severity and urgency of the matter. Reportable Conduct will be reported to the Commission for Children and Young People.

4.3 Training and supervision

Training and supervision ensure that everyone in our organisation understands that child safety is everyone's responsibility, regardless of whether they work directly or not with children. New employees, volunteers and students' regular supervision will include an induction to MOSS's commitment to Child Safety provided by a Child Safety Officer.

Our organisational culture aims for all Agency personnel, in addition to parents/carers and children, to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. We train our staff, volunteers and students to identify, assess, and minimise risks of child abuse, to detect potential signs of child abuse and concern around child safety. Our personnel will be informed on how to respond to allegations.

MOSS also supports our staff, volunteers and children through ongoing supervision to: develop their skills to protect all children from abuse; and promote the cultural safety for Aboriginal and Torres Strait Islander children, children from linguistically and/or diverse backgrounds, children with a disability and, children who identify as LGBTI.

4.4 Recruitment

Many roles with MOSS require workers to be skilled practitioners with children. In recruitment we develop selection criteria and advertisements which clearly demonstrate our commitment to child safety and an awareness of our social and legislative responsibilities.

We welcome applications from Aboriginal people, people from culturally and/or linguistically diverse backgrounds, people with a disability and people who identify as LGBTI.

All MOSS staff, volunteers and students performing child related work are required to hold a Working with Children Check and provide evidence of this Check which is to be kept on personnel files and central register managed by the General Manager with Human Resources responsibilities. MOSS conducts referee checks and police record checks to ensure that we are recruiting suitable staff.

4.5 Risk Management

Child Safety is paramount, and it is imperative that staff address risk management immediately by following MOSS Policies and Procedures. The 3.5 Child Protection Policy and 3.6 Child Protection Procedure are key documents in providing guidance around child safety risk management, specifically protection concerns. In addition, the 4.32 Reportable Conduct Scheme and 4.33 Reportable Conduct Procedure must be followed in the instance where a reasonable belief of reportable conduct is established. Staff should consult with the MOSS Child Safety Officers and their Program Manager for support. Early intervention and prevention are crucial parts of risk management and as such staff should use supervision and team case meetings to discuss any emerging or potential concerns of risk for children.

4.6 Reporting

Whilst the safety and wellbeing of children is paramount, due process around any child safe issues affecting MOSS personnel will be followed. This will be informed by the applicable agency policies and procedures and will be thorough, transparent, and based on evidence.

If an adult has a **reasonable belief** that an incident has occurred, then they must report the incident. Factors contributing to reasonable belief may be:

- a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves)
- behaviour consistent with that of an abuse victim is observed
- someone else has raised a suspicion of abuse but is unwilling to report it
- observing suspicious behaviour.

Allegations of abuse and safety concerns should be reported to the **MOSS Child Safety Officers Halime or Talia on 9359 5493**. The reporting officer(s) will complete the MOSS Incident/Injury/Near Miss Report Form and refer the matter to a Child Safety Officer without delay who may then take to Management depending upon their assessment.

Management will determine ongoing reporting requirements including investigation updates. Guidance may be sought from Victoria Police and/or CCYP.

Victoria's **Reportable Conduct Scheme** ensures the Commission for Children and Young People (CCYP) is aware of every allegation of certain types of employee misconduct involving children in organisations that exercise care, supervision and authority over children. MOSS will be informed by the 4.32 MOSS Reportable Conduct Scheme Policy and 4.33 MOSS Reportable Conduct Procedure to report Reportable Conduct under the scheme.

Suspected criminal behaviour should be reported to Victoria Police. When there are significant concerns regarding a child's safety, stability and development, a report to DHHS Child Protection may be appropriate. MOSS personnel will be guided by the 3.5 MOSS Child Protection Policy and 3.6 MOSS Child Protection Procedure.

If an incident is assessed to be major or non-major impact, then the reporting should be via the Client Incident Management Scheme (CIMS). Depending upon the nature of an incident, multiple reports may be required including informing the MOSS Board of Directors. All records are to be securely stored.

MOSS personnel against whom allegations of child abuse or breach of child safe practice may be subject to disciplinary action in line with the 4.13 MOSS Disciplinary Policy and 4.14 MOSS Disciplinary Procedure. This may lead to sanction, termination of employment and potentially police involvement depending upon the nature of the incident.

If an allegation of abuse or a safety concern is raised, we will provide updates to children and families on the Agency's response as is appropriate.

4.7 Privacy

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be staff, volunteers, students, parents or children, unless there is a risk to someone's safety. We have safeguards and practices in place to ensure personal information is protected, keeping in mind legal requirements and the need to protect the child. Everyone is entitled to know how this information is recorded, what will be done with it, and who will have access

4.8 Legislative responsibilities

Our organisation takes its legal responsibilities seriously, including:

- *Failure to disclose* - Reporting child sexual abuse is a community-wide responsibility. 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.
- *Failure to protect* - People of authority in our organisation will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.
- *Grooming Offences* – This offence targets predatory conduct designed to facilitate sexual activity with a child.

4.9 Review of standards

MOSS will undertake a review of the Child Safe Standards every 12 months.

5. Responsibility/Accountability

5.1	Program Manager - North and West Regional Children's Program (Child Safety Officer) <ul style="list-style-type: none">Interpreting relevant legislation and reference documents that have bearing on this Policy.
5.2	Program Manager - Bright Futures (Child Safety Officer) <ul style="list-style-type: none">Interpreting relevant legislation and reference documents that have bearing on this Policy.

6. References and links to legislation and other documents such as Accreditation Standards.

Name	Location
New Child Safe Standards – Information Sheet	https://ccyp.vic.gov.au/assets/resources/New-Standards/New-Child-Safe-Standards-Information-Sheet.pdf
Overview of new Child Safe Standards	https://ccyp.vic.gov.au/assets/resources/New-Standards/Whats-new-overview-of-the-new-Child-Safe-Standards.pdf
3.5 MOSS Child Protection Policy	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual
3.6 MOSS Child Protection Procedure	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual
4.1 MOSS Statement of Expectations incorporating the Child Safe Code of Conduct	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual
3.3 Children's Policy	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual
4.32 MOSS Reportable Conduct Policy	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual
4.33 MOSS Reportable Conduct Procedure	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual

4.2 Recruitment and Selection Policy	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual
4.3 Recruitment and Selection Procedure	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual
4.8 Supervision Policy	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual
4.9 Supervision Procedure	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual
4.4 Induction Policy	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual
4.5 Induction Procedure	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual
4.13 Disciplinary Policy	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual
4.14 Disciplinary Procedure	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual
3.22 Working with Aboriginal and Torres Strait Islander Consumers Procedure	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual
5.3 Incident/Injury/ Near Miss Report Form	SharePoint/Library/Incident report forms MOSS/
3.21 Duty of Care Policy	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual
3.9 Confidentiality Policy	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual
3.10 Privacy Policy	SharePoint/Library/Policies and Procedures/MOSS Policy and Procedure Manual
Failure to disclose	https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence
Grooming Offence	https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/grooming-offence
Failure to protect	https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to
Children, Youth and Families Act 2005 (VIC)	http://www.legislation.vic.gov.au/domino/Web_Notes/LDMS/LTObject_Store/ltobjst10.nsf/DDE300B846EED9C7CA257616000A3571/8C0201BA52DEFD24CA2580D600114178/\$FILE/05-96aa077%20authorised.pdf

Child Wellbeing and Safety Act 2005 (VIC)	http://www.legislation.vic.gov.au/domino/Web_Notes/LDMS/LTObject_Store/LTObjSt6.nsf/DDE300B846EED9C7CA257616000A3571/6606BB1B2DC56CE3CA257974000E4879/\$FILE/05-83aa014%20authorised.pdf
Charter of Human Rights and Responsibilities Act 2006 (Vic)	http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/54D73763EF9DCA36CA2571B6002428B0/\$FILE/06-043a.pdf
<u>Information Sheet 2: What is reportable conduct under the Reportable Conduct Scheme?</u>	https://ccyp.vic.gov.au/assets/resources/RCSInfoSheetUpdates/FINALPDF-Information-Sheet-2-What-is-reportable-conduct-2.pdf
<u>Information Sheet 9 – Sexual misconduct</u>	CCYPD 18 5649 20180521 - FINAL - Information Sheet 9 - Sexual Misconduct v2
<u>Information Sheet 10 – Physical violence</u>	https://ccyp.vic.gov.au/assets/resources/RCSInfoSheetUpdates/FINALPDF-Information-Sheet-10-Physical-Violence.pdf
<u>Information Sheet 11: Significant neglect</u>	https://ccyp.vic.gov.au/assets/resources/RCSInfoSheetUpdates/Info-Sheet-11-Significant-Neglect-221018.pdf