

# Child protection policy

## Purpose

This policy establishes the importance of providing safe and protective environments for young people who receive services from RIDBC. Its intent is to:

- Establish the importance of safeguarding the safety and well-being of young people. This is a core RIDBC value and fundamental to the organisation's mission.
- Identify the legal and regulatory requirements that RIDBC must comply with.
- Ensure that procedures for implementation of this policy satisfy or exceed minimum legal requirements.
- Ensure that procedures are consistent between all locations and departments of RIDBC to the greatest extent possible, whilst recognising that some variation is necessary to satisfy legislative and administrative differences between States and Territories.
- Develop and maintain training procedures to ensure employees are:
  - Aware of their obligations.
  - Capable of performing them at commencement, and throughout the period of their employment.
- Ensure employees can identify and respond to indicators that children and young people are experiencing harm or are at risk of harm.
- Include the development of protective behaviours in the core curriculum of RIDBC schools and pre-schools.

## Scope

This policy applies to all employees, including volunteers and contractors, in all states and territories where RIDBC provides services.

## Overview

The safety, protection and well-being of young people is a community responsibility. It is of paramount importance to RIDBC, which provides specialist services to young people with a

wide range of visual, auditory and cognitive abilities. RIDBC aspires to a standard of excellence in the provision of services to the community in a professional, compassionate and respectful manner. Protecting the confidence of clients, students, and families, as well as the organisation's reputation, is of critical importance to the realisation of RIDBC's mission.

### Common Law Duty of Care

Under common law, employees always owe a duty of care to children under their supervision. This requires employees to take reasonable steps to ensure that children are not harmed and are protected from possible risks of harm.

Protection means:

- RIDBC must implement and maintain efficient systems of prevention and response.
- Employees must follow established procedures and observe professional codes of conduct.
- Failure to implement and observe appropriate procedure, exposes RIDBC and its employees to penalties.

### Legislation

A summary of the legal requirements is included in Appendix 1. They can be grouped as:

#### a. Staff member responsibilities:

Key legislation requires reporting of child protection concerns. However, as part of the school's overall commitment to child protection all staff are required to report any child protection or child wellbeing concerns about the safety, welfare or wellbeing of a child or young person to the Principal.

If the allegation involves the Principal, a report should be made to the Head of Education or Director, Services.

#### b. Mandatory Reporting requirements:

Employees designated as Mandatory Reporters must report cases of known, or suspected, child abuse or neglect, to the state or territory Child Protection authorities.

RIDBC's **Mandatory Reporting Procedures** should be read in conjunction with this

policy as it provides a more detailed explanation of legal obligations in individual states and territories.

b. Reportable Conduct requirements:

RIDBC must investigate and report alleged cases of misconduct involving children to an oversight state or territory authority. Systems for the prevention, management and reporting of reportable conduct must be implemented, and will be monitored by the state or territory authority. RIDBC's **Reportable conduct policy – Child and vulnerable person protection** should be read in conjunction with this policy as it provides a more detailed explanation of legal obligations in individual states and territories.

c. Working With Children Checks (WWC checks)

RIDBC is required to ensure that employees engaged in child-related work, obtain a Working With Children Check clearance before commencing work. Failure to renew or reported findings of misconduct triggering a restriction, will result in disciplinary action potentially including dismissal.

RIDBC's **Working With Children Check Procedures** should be read in conjunction with this policy as it provides a more detailed explanation of legal obligations in individual states and territories.

d. National Disability Insurance Scheme (NDIS):

National NDIS legislation requires service providers to implement and monitor systems for:

- the prevention of;
- response to, and
- reporting of

incidents of harm, or potential harm. Approved providers of services to NDIS participants must:

- Ensure that employees engaged in roles requiring interaction with clients with a disability hold current NDIS screening clearance.

- Report allegations of NDIS reportable incidents within 24 hours.
- Review incident data to monitor and continuously improve incident management systems.

RIDBC’s **NDIS Incident management and reportable incidents procedure** should be read in conjunction with this policy as it provides a more detailed explanation of legal obligations specific to the NDIS.

e. [Australian Children’s Education and Care Quality Authority \(ACECQA\)](#)

RIDBC schools and preschools are subject to the above the legislation in items (a) to (c) above but are **not** subject to NDIS requirements. Preschools and kindergartens are additionally required to comply with the standards and procedures mandated by ACECQA under the National Quality Framework for Education and Care services. The standards set specific requirements for the policies and procedures to be adopted in preschools, which are to be considered as **extensions** to the child protective principles encompassed within this policy.

Whilst much of the relevant legislation is restricted to employees who interact **directly** with young people during their everyday work, RIDBC’s commitment to excellence requires a more inclusive degree of compliance than the minimum prescribed by legislation. To this end **all** RIDBC employees must:

- Be aware of RIDBCs close involvement with young people and embrace their protection as a priority, even when their role does not bring them into direct contact.
- Be sensitised to potential signs that a young person is at risk of harm.
- Be aware of their reporting obligations when a young person has been harmed or is suspected to be at risk of harm.

## Definitions

| Term                  | Definition   |
|-----------------------|--|
| Child or Young Person | RIDBC considers all people under the age of 18 years, and people 18 years or older if they are currently enrolled in a RIDBC school, |

| Term               | Definition   |
|--------------------|--|
|                    | to be young people for whom Child Protective measures must be extended.  |
| Employee           | Staff, volunteers, contract workers, tertiary students and trainees, are to be considered employees of RIDBC for the purposes of implementing child protection measures.   |
| Mandatory reporter | All RIDBC employees are to be considered mandatory reporters, irrespective of whether their normal work involves direct interaction with children.   |
| Manager            | <p>The person to whom an employee with concerns for a child's welfare must report in the first instance.</p> <p>For a school – the Principal or Head of Education</p> <p>For a preschool – the Director or Head of Education</p> <p>For other services – the Service Manager or RIDBC Manager as defined within specific RIDBC procedures.</p> |
| Emotional abuse    | Can result in serious psychological harm, where the behaviour of their parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma.  |
| Physical abuse     | A non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation.   |
| Neglect            | The continued failure by a parent or caregiver to provide a child with the basic things needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision.  |

| Term         | Definition  |
|--------------|---|
| Sexual abuse | When someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children are bribed or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime. |

## Policy Statements

### 1. Public Confidence:

- 1.1. The effective performance of the services offered by RIDBC depends on the trust, goodwill and confidence of the public.
- 1.2. The dual vulnerability of young people with disabilities demands a heightened duty of care and vigilance from all RIDBC employees.
- 1.3. All employees must report to their manager should they suspect or know that a young person has been harmed or is at risk at harm.
- 1.4. Internal reporting must occur in **all** cases irrespective of how that knowledge or suspicion arose, or how reasonable or likely it initially appears.
- 1.5. Managers are responsible for determining whether there may be genuine cause for concern and whether legal compliance requirements must be followed.
- 1.6. Every report of possible harm reported to a Manager must be recorded according to RIDBC procedures and, where external reporting is not a requirement, the matter should remain under internal review.

### 2. Legal compliance:

- 2.1. RIDBC generally aspires to higher standards of performance than minimum legal requirements.
- 2.2. All procedures implemented to support this **Child Protection Policy** must either satisfy, or exceed, legal compliance standards.
- 2.3. It is important for all employees to understand minimum requirements for legal compliance, **in addition** to RIDBC standard procedures.

### 3. RIDBC extension of legal definitions:

- 3.1. **All** RIDBC employees are considered mandatory reporters for the purposes of reporting actual or suspected harm to child protection authorities.
- 3.2. On occasion RIDBC schools have students enrolled who are 18 years or older. For the purposes of child protection measures **all** students currently enrolled in an RIDBC school will be considered as children irrespective of age. RIDBC will leave the decision as to whether to accept an incident report to the relevant state or territory authority. Incidents involving students aged 18 years or more will be reported under **Mandatory Reporting and Reportable Conduct** procedures.
- 3.3. RIDBC will notify reportable conduct to external authorities in all states and territories.
- 3.4. Incidents of reportable conduct in states and territories with no current legislation will be subject to the same internal reporting and investigation procedures as states and territories with legislation.
- 3.5. Roles requiring access to child and client records are risk-assessable roles requiring a 'Working With Children Check' and/or an NDIS worker screening.

### 4. Procedural supporting documents:

- 4.1. Relevant legislation varies between States and Territories and is summarised in Appendix 1.
- 4.2. This policy is supported by several procedural documents that include a more detailed discussion of the relevant State and Territory laws and which should therefore be read in conjunction with this policy statement.
- 4.3. Procedural documents must be authored to:
  - 4.3.1. Ensure procedures are substantially consistent across all RIDBC locations and services.
  - 4.3.2. Meet legislative requirements. They must exceed minimum to ensure uniformity across all RIDBC activities.
  - 4.3.3. Highlight areas where state and territory laws are different requiring variations in procedure, or whether a consistent RIDBC procedure can be followed.

### 5. Employee Education

- 5.1. All employees must receive Child Protection education on commencement of

employment with annual refresher training.

5.2. All employees must receive awareness training in recognising potential signs of harm in young people and how to remain vigilant.

5.3. All employees dealing with young people daily must undergo Child Protection training annually.

5.4. All employees must be aware of the contents of this policy and related procedures.

Employees will comprehend that these policies and procedures may exceed minimum legal obligations to promote service excellence and efficiencies.

5.5. All employees must be aware of their obligations under law and the potential consequences of non-compliance on individuals and the organisation.

5.6. Training will complement this policy and provide information to staff about their legal responsibilities related to child protection and school expectations, including:

- Mandatory reporting.
- Reportable conduct.
- Working With Children Checks.
- Professional boundaries.

## 6. Curriculum for the development of protective behaviours by children

RIDBC programs include the enrolment of children who are especially vulnerable (e.g. very young children in preschools). The appropriate development of childhood protective behaviours is addressed by individual departmental policies and state and territory curriculum guidelines (school-aged programs).

## 7. Criminal offences

7.1. Failure to protect offence: An adult working in a school, therefore all staff members, will commit an offence if they know another adult working there poses a serious risk of committing a child abuse offence and they have the power to reduce or remove the risk, and they negligently fail to do so either by acts and/or omissions. This offence is targeted at those in positions of authority and responsibility working with children who

turn a blind eye to a known and serious risk rather than using their power to protect children.

7.2. Failure to report offence: Any adult, and therefore all staff members, will commit an offence if they know, believe or reasonably ought to know that a child abuse offence has been committed and fail to report that information to Police, without a reasonable excuse. A reasonable excuse would include where the adult has reported the matter to the Principal and is aware that the Principal has reported the matter to the Police.

## Appendix 1

### Mandatory Reporting under Care and Protection Acts

Each state and territory has a governing Child Protection or Child & Young People Act. This specifies the circumstances when suspicions of child abuse or neglect are to be reported to Child Protection Authorities.

Mandatory Reporters are people employed in the delivery of services to young people, including health care, education and welfare. Definitions are generally restricted to people dealing directly with young people daily, whether paid or voluntarily, and include those in managerial positions. At RIDBC this includes all teachers, therapists and consultants.

Mandatory reporters have an obligation to report known or suspected cases of child abuse, or neglect, to external Child Protection Authorities. There must be 'reasonable grounds' for believing or suspecting that a child is at risk of harm, but reasonable grounds does not require confirmation or clear proof. Reasonable grounds can be based on:

- Firsthand observation.
- Disclosure by the young person or any other person.
- Inferences based on professional training or experience.

Some States and Territories require the degree of 'harm' to be 'significant' to be reportable to external authorities. There are online tools or publications to aid with this. RIDBC procedures will vary depending on the state or territory in which the incident occurs. In all cases, unless otherwise advised by Child Protection authorities, an internal investigation of an incident must cease once reported to Child Protection Authorities. There must be **no** discussion with the young person's carers or guardians regarding the matter.

Failure to report is a prosecutable offense. Harm includes:

- Physical abuse
- Sexual abuse
- Psychological or emotional abuse
- Neglect or relinquishing of care

- Concerns about the care environment such as carer substance abuse, mental health or domestic violence

### Reportable Conduct committed by employees

Reportable Conduct law in NSW, Victoria, and the ACT requires the reporting of:

- Convictions involving an employee.
- Findings of investigations into alleged misconduct involving an employee.

Convictions include a finding of guilt by a court, even if the court exercised discretion and did **not** proceed to a conviction.

Reportable conduct includes:

- Any sexual misconduct involving or in the presence of a child.
- Any assault, ill-treatment or neglect of a child.
- Any behaviour that may cause psychological harm to a child.

State and territory authorities can monitor internal investigations into any allegations, as well as review findings and proposed actions. In some cases, the designated authority can conduct the investigation itself, or make recommendations for the internal handling of an allegation.

Procedures for preventing and responding to allegations of reportable conduct must be monitored by the designated authority.