Safety and Welfare of Children and Young People Procedure

Section 1 - Purpose / Objectives

(1) Refer Safety and Welfare of Children and Young People Policy.

Section 2 - Scope / Application

(2) Refer Safety and Welfare of Children and Young People Policy.

Section 3 - Definitions

(3) Aboriginal

(4) Activity – any VU activity including educational, research, recreational or other programs which are organised by VU or any other activities which take place on VU campuses or which are activities covered by the Appropriate Workplace Behaviour Policy.

(5) Adult – anyone aged 18 years and over (and includes Staff, Students, researchers, visitors, parents, carers and guardians).

(6) Young Person – a person who is currently under 18 years of age whether or not enrolled as a student. The plural of 'young person' in this Procedure is 'young people'.

(7) Child Abuse or Harm – Includes:

a. any act committed against a child involving –
    i. a sexual offence; or
    ii. the offence of grooming under the Crimes Act 1958 (Vic);
b. the infliction on a child of –
    i. physical violence; or
    ii. serious emotional or psychological harm;
c. serious neglect of a child;
d. racial, cultural or religious vilification or discrimination of a child.

(8) Head of the Organisational Unit – the member of Staff with management responsibility for the organisational unit within VU which is organising the Activity.

(9) Responsible Person – the individual member of Staff who is responsible for the Activities within an organisational unit.

(10) Reasonable Steps – Acting on concerns and suspicions as soon as practicable by following Appendix 1 - Child

Safety Reporting Process and reporting to external authorities such as Victoria Police, Department of Health and Human Services – Child Protection or ChildFIRST as appropriate.

(11) Reasonably Foreseeable - A reasonable person, in the same circumstances, would know or appreciate the risk of harm from the event or activity.

(12) Reasonable Belief

a. A 'reasonable belief' is not the same as having proof beyond reasonable doubt but is more than a mere rumour or speculation.
b. 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 if:
    i. a Young Person states that they have been physically or sexually abused; or
    ii. a Young Person states that they know someone who has been physically or sexually abused (sometimes the Young Person may be talking about themselves); or
    iii. someone who knows a Young Person states that the Young Person has been physically or sexually abused; or
    iv. professional observations of the Young Person's behaviour or development leads a professional to form a belief that the Young Person has been physically or sexually abused or is likely to be abused; or
    v. physical signs of abuse leads to a belief that the Young Person has been physically or sexually abused.

(13) Reportable Allegation [Reportable Conduct Scheme – Child Wellbeing and Safety Act 2005 (Vic)] – There is an allegation of 'reportable conduct' when a person forms a reasonable belief that a Staff member has engaged in:

a. a sexual offence, sexual misconduct or physical violence against, with or in the presence of a Young Person; or
b. behaviour causing significant emotional or psychological harm to a Young Person; or
c. significant neglect of a Young Person;

whether or not the Staff member to whom the allegation relates to provides services to Young People, and even if the allegation arises as a result of the Staff member's conduct or misconduct outside the scope of his/her employment.

Note:
* A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it is not the same as having proof and does not require certainty. For example, a person is likely to have a reasonable belief if they:

a. observed the conduct themselves;
b. heard directly from a Young Person that the conduct occurred;
c. received information from another credible source (including another person who witnessed the reportable conduct or misconduct).

* Only conduct by an Adult Against a Young Person is reportable under this Scheme (Young Person to Young Person is not reportable).

(14) Staff –

a. all employees of VU and those working at student residences;
b. all contractors and consultants performing work on VU sites or on behalf of the VU;
c. visiting academics, honorary, adjunct and exchange staff;
d. the Council and its committees;
e. students as staff;
f. any volunteer.

(15) Student –

a. A person enrolled at VU in a course leading to a degree, diploma, certificate, licence or other award; or
b. A person whose study performance is being or is to be assessed by VU, notwithstanding that such a person is not enrolled at VU in a course leading to a degree, diploma, certificate, licence or other award.
(Reference: Academic Progress Regulations 2016.)

(16) Direct Contact means any contact between an Adult and a Young Person that involves –

a. physical contact; or
b. face to face contact; or
c. contact by post or other written communication; or
d. contact by telephone or other oral communication; or
e. contact by email or other electronic communication.

Section 4 - Policy Statement

(17) Refer Safety and Welfare of Children and Young People Policy.

Section 5 - Procedures

Part A - Roles and Responsibilities

Role	Responsibility
Accountable Person	- Ensure that VU complies with its legislative obligations relating to the safety and wellbeing of Young People. - Develop, review and revise policies and procedures relating to the safety and welfare of Young People at VU. - Coordinate the implementation of policies and procedures relating to the safety and welfare of Young People at VU. - Provide support and advice to the VU community about issues relating to the safety and wellbeing of Young People. - Maintain a central record of all VU Activities that involve Young People and which includes the Responsible Person for each such Activity. - Receive reports on child safety concerns raised through the Child Safety Reporting process and oversee implementation of any actions arising from such incidents. - Comply with the Reportable Conduct Scheme administered by the Victorian Commission for Children and Young People (hyperlink - https://ccyp.vic.gov.au/reportable-conduct-scheme/)
Head of the Organisational Unit	- Within the organisational unit implement the Policy and this Procedure (and all legislative and regulatory obligations) relating to the safety and welfare of Young People. - Within their organisational unit implement the VU Recruitment and Selection Policy, Recruitment and Selection Procedure and practices applicable to the recruitment of Staff working with Young People. - Ensure that Adults and Young People participating in Activities conducted by the organisational unit are provided appropriate information and/or training relating to the Policy and this Procedure including the Child Safety Reporting process. - Receive and appropriately act on reports from each Responsible Person which they receive in accordance with the Policy and this Procedure.
P & C Policy Owner	- Ensure that Recruitment and Selection Policy, Recruitment and Selection Procedure and practices comply with VU's legislative obligations regarding child safety.

Responsible Person	- Ensure that all Activities involving Young People are conducted in accordance with the Policy and this Procedure and other related VU policies and procedures. - Conduct appropriate risk assessments in relation to all Activities (new or existing) involving Young People and adapt the Activities to mitigate risks. - Report child safety concerns to the - 1. Accountable Person 2. Head of the Organisational Unit in accordance with the Child Safety Reporting process.

(18) Before any Activity is conducted, the Head of the Organisational Unit must notify the Accountable Person in writing of each Activity involving Young People and the specific title and name of the Responsible Person (and must keep this information current). The Accountable Person can specify the level of detail required in such notification.

Part B - Child Safety – Staff Duty of Care

(19) Staff have a duty to take Reasonable Steps to protect Young People under their supervision from Child Abuse or Harm that is Reasonably Foreseeable. Duty of care towards a Young Person may be breached if Staff fail to act in the way a reasonable or diligent professional would have acted in the same situation.

(20) Staff who form a Reasonable Belief that a Young Person is in need of protection from Child Abuse or Harm must follow Appendix 1 - Child Safety Reporting Process and report to external authorities such as Victoria Police, Department of Health and Human Services – Child Protection or ChildFIRST as appropriate.

Part C - Managing Risks to Child Safety and Wellbeing

(21) The Responsible Person must ensure that all Activities involving Young People whether on-campus or off-campus, must be undertaken in accordance with the Policy and this Procedure and all other applicable policies and procedures.

(22) The Responsible Person must conduct appropriate risk assessments in relation to each Activity involving Young People and adapt the activity to mitigate risks of Child Abuse or Harm.

Please note that there are other risks such as those addressed in the Health and Safety Policy and procedures which also need to be addressed in any risk assessment.

Child safety risks are based on a range of factors including the nature of the Activities, the physical environments and online environments as well as the characteristics and needs of particular Young People and communities including Young People of Aboriginal heritage, culturally and/or linguistically diverse backgrounds and Young People with a disability. This covers both ‘business as usual’ risks and risks posed by specific Activities such as excursions and overnight trips.

(23) Where Adults have concerns about a Young Person based on an allegation or suspicion of Child Abuse or Harm or concerns for the safety and wellbeing of a Young Person they must follow the Child Safety Reporting process. (Refer Appendix 1 - Child Safety Reporting Process of the Policy).

(24) Please note that this does not displace the obligations to report occupational health and safety incidents involving Young People in accordance with the Health and Safety - OHS Incident Reporting and Investigation Procedure.

(25) Concerns about a Young Person which do not relate to child safety (e.g. unsatisfactory academic progress) are not covered by the Policy and this Procedure (and do not have to be reported using the Child Safety Reporting process).

Part D - Participation and Empowerment of Children

(26) In planning and conducting Activities involving Young People, the Responsible Person must ensure that -

a. Participation is designed to be:
    i. ethical;
    ii. age appropriate;
    iii. culturally respectful;
    iv. inclusive of a diverse range of Young People, demonstrating respect for Young People of all ages, abilities, social and cultural backgrounds;
    v. positive and enjoyable;
    vi. voluntary and with informed consent.
b. Opportunities are made available for Young People to provide feedback and express their views and concerns.
c. The Adults involved in the Activity are skillful in facilitating the participation of Young People.

Part E - Recruitment and Selection

(27) The Head of the Organisational Unit recruiting Staff who will have direct contact with Young People must ensure that the Recruitment and Selection Policy and Recruitment and Selection Procedure and any specific guidelines and practices relating to recruitment of persons working with Young People are followed.

(28) The P & C Policy Owner is responsible for ensuring that the Recruitment and Selection Policy and Recruitment and Selection Procedure appropriately address recruitment and selection practices that provide for child safety.

Working with Children Checks

(29) The Responsible Person must ensure that all Staff involved in an Activity, who come into direct contact with Young People (other than in the ordinary delivery of higher education by VU), have a Working with Children Check (WWCC). Please note that occasional direct contact with Young People that is incidental to the work is not considered child-related work for the purposes of the Working with Children Act 2005 (Vic) and does not require a WWCC.

(30) The Recruitment and Selection Procedure (refer clause 96 (i)) identify a number of categories of Staff who require a WWCC. In addition to Staff working in these categories the Responsible Person must (in consultation with the Head of the Organisational unit) make an assessment of their organisational unit to determine which specific additional roles require a WWCC.

Part F - Work Integrated Learning/Practical Placements

(31) The Responsible Person for Activities which are work integrated learning activities (Work Integrated Learning Policy (HE) or VET practical placements (see Work Integrated Learning - VET Practical Placement Procedure) for Students that involve contact with Young People must ensure that Students comply with the Policy and this Procedure and are provided with appropriate information on requirements such as Working with Children Checks and legal obligations to report on Child Abuse or Harm.

(32) Where the Students taking part in Activities which are work integrated learning activities (Work Integrated Learning Policy (HE) or VET practical placements (see Work Integrated Learning - VET Practical Placement Procedure) are under 18 years of age, the Responsible Person must ensure that the work integrated learning partner or practical placement partner has appropriate policies and procedures relating to child safety that meet the Victorian Child Safe Standards or equivalent.

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Part G - Research Activities Involving Children

(33) The Responsible Person for Activities which comprise research involving interactions with Young People must ensure that those Activities are conducted in accordance with the Policy and this Procedure and the Australian Code for the Responsible Conduct of Research (2018), National Statement on Ethical Conduct in Human Research 2007 (Updated 2018) and any VU Human Research Ethics Committee (VUHREC) directions provided as part of the ethics approval.

Part H - Administrative Matters

Students

(34) The Responsible Person must ensure that the permission of a parent or guardian is obtained for each Student aged 16 years and under to participate in Activities such as field trips, work integrated learning activities, work experience, sporting activities and student society camps.

Non-enrolled Persons

(35) The Responsible Person for Activities involving Young People who are not Students, (for example, where a school or other body is involved in the Activity) must be reasonably satisfied that those Young People's participation in the Activity has been appropriately authorised.

(36) The Responsible Person for Activities where groups of Young People are brought to VU as part of a school group, must ensure that the school provides adequate teaching or other staff to supervise the group, and that the school remains the responsible organisation for those Young People during the Activity. The school must ensure that required parental consents are obtained.

Privacy

(37) The VU Privacy Policy and Privacy Procedure applies in relation to all Students' personal information regardless of their age.

Record Keeping

(38) The Head of the Organisational Unit must maintain a separate register specifying -

a. Activities involving Young People;
b. Responsible Persons for such Activities.

(39) The information on each register maintained by the Head of the Organisational Unit must be provided to the Accountable Person for consolidation into a single database for the purpose of monitoring compliance with the requirements under the Policy and this Procedure.

(40) All incidents recorded through the Child Safety Reporting process must be maintained in accordance with the Privacy Policy and Privacy Procedure and Records Management Policy and associated procedures.

Reportable Conduct Scheme

(41) On receiving an allegation or suspicion of Child Abuse or Harm or concerns for the safety and wellbeing of a Young Person through the Child Safety Reporting process, the Accountable Person must in consultation with Legal Services immediately assess whether it is a Reportable Allegation.

(42) Where a Reportable Allegation is identified the Accountable Person must:

a. If the allegation involves suspected criminal conduct, notify Victoria Police immediately.
b. Notify the Commission of Children and Young People (CCYP) within 3 business days using the appropriate form.
c. As soon as practicable commence an investigation and notify CCYP of who will conduct the investigation. [The investigation may be conducted by the organisation, their regulator or an independent investigator.]
d. Give CCYP further, detailed information about the Reportable Allegation within 30 days including information about proposed disciplinary or other action to be taken in response to the allegation and any written submissions made by the Staff member about that disciplinary or other action.
e. After the investigation has concluded, give the CCYP:
    i. a copy of the investigation findings and reasons; and
    ii. details of proposed disciplinary or other action to be taken in relation to the Staff member and the reasons for the action; and
    iii. where a decision has been made not to take any disciplinary or other action in relation to the Staff member, the reasons why no action will be taken.

(43) Where the Reportable Allegation involves Staff engaged in TAFE activities the process outlined in Clause 41 must be undertaken in consultation with the Deputy Vice-Chancellor, Vocational Education and Pathways.

Section 6 - Guidelines

(44) Refer Appendix 1 - Child Safety Reporting Process and Appendix 2 - Child Safety Reporting Guidelines.

Section 7 - Associated Information

(45) Child Safe Standards - Department of Health and Human Services website (Victoria). (hyperlink - http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards)

(46) Child Safe Standards - Commission for Children and Young People website (Victoria). (hyperlink - http://www.ccyp.vic.gov.au/child-safe-standards/index.htm)

(47) An Overview of the Child Safe Standards (hyperlink – http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards-resources) – Published by the Department of Health and Human Services (Victoria).

(48) A Guide for Creating a Child Safe Organisation (hyperlink - http://www.ccyp.vic.gov.au/downloads/creating-a-childsafe-organisation-guide.pdf) – Published by the Commission for Children and Young People (Victoria) [CCYP].

(49) Cultural safety for Aboriginal children (hyperlink - http://www.ccyp.vic.gov.au/downloads/tipsheets/tipsheet-cultural-safety-aboriginal-children.pdf) (CCYP - Tip Sheet for Child Safe Organisation)

(50) Safety of children from culturally and linguistically diverse backgrounds (hyperlink - http://www.ccyp.vic.gov.au/downloads/tipsheets/tipsheet-safety-children-cult-ling-diverse.pdf) (CCYP - Tip Sheet for Child Safe Organisation)

(51) Safety of children with a disability (hyperlink - http://www.ccyp.vic.gov.au/downloads/tipsheets/tipsheet-safety-children-disability.pdf) (CCYP - Tip Sheet for Child Safe Organisation)

(52) Empowerment and participation of children (CCYP - Tip Sheet for Child Safe Organisation) (hyperlink – http://www.ccyp.vic.gov.au/downloads/tipsheets/tipsheet-empower-participation-children.pdf)

(53) Reportable Conduct Scheme (CCYP website) (hyperlink - https://ccyp.vic.gov.au/reportable-conduct-scheme/)

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Accountable Officer	Lisa Line Deputy Vice-Chancellor Enterprise and Digital Lisa.Line@vu.edu.au
Responsible Officer	Darrel Caufield Chief Student Officer and Registrar darrel.caulfield@vu.edu.au
Enquiries Contact	Simone Wright Chief Human Resources Officer +61 3 9919 5447

Glossary Terms and Definitions

"Aboriginal" - The use of the word Aboriginal throughout VU Policy and Procedure refers to Aboriginal and Torres Strait Islander people connected to and/or residing in South East Australia.

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