

# Safety and Welfare of Children and Young People Procedure

## Section 1 - Summary

(1) The purpose of this Procedure is to provide instructions and clear processes for staff to follow in protecting the safety and welfare of Children and Young People, in accordance with the [Safety and Welfare of Children and Young People Policy](#).

## Section 2 - HESF/ASQA/ESOS ALIGNMENT

(2) HESF: Standards 2.3 Wellbeing and Safety (2.3.3 & 2.3.4).

(3) [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(Cth\)](#), Standard 5 (Younger Overseas Students).

(4) This Procedure aligns with the [Victoria Government's Guidance Notes on Child Safe Standards for TAFEs and RTOs](#).

(5) VRQA Minimum Standards for registration as a non-school senior secondary provider (VCE and VCAL programs) Standard 3 - Student Welfare.

## Section 3 - Scope

(6) This Procedure applies to Adults and Young People involved in any Activity, and includes the children of Staff and Students visiting any campus or engaged in any Victoria University (VU) activity.

(7) This Procedure applies to all Activities undertaken as part of study, research, work, living and socialising which is organised, or auspiced by, or reasonably associated with VU, whether that Activity occurs on a VU campus, at a different site, or online.

(8) This Procedure does not apply to children accessing services provided by the VU Children's Centres: Refer [Children's Centre Child Protection and Child Safe Policy](#).

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

## Section 4 - Definitions

(10) Aboriginal

(11) Activity: Any VU activity including educational, research, recreational or other programs which take place on VU campuses, are organised or auspiced by VU at any site, or occur online.

(12) Young Person/Young People: A person/people who is currently under 18 years of age whether or not enrolled as a

Student.

(13) Child Abuse or Harm

(14) Child-Safe Environment

(15) Direct Contact: Any contact between an Adult and a Child or 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.

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

(17) Mandatory Reporter(s)

(18) Position of Authority: A person who, by reason of their position at VU, is deemed to have the power or responsibility to reduce or remove the risk of child sexual abuse. At VU, Position of Authority includes managers and above.

(19) Responsible Person: The individual member of Staff who is responsible for the Activities within an organisational unit.

(20) 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 Families, Fairness and Housing (DFFH) – Child Protection or ChildFIRST as appropriate.

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

(22) Reasonable Belief: You have a 'reasonable belief' if a reasonable person in the same circumstances as you would believe that an adult had sexually abused a child, for the same reasons you believed it. For example, you might form a reasonable belief that a child has been sexually abused if:

- a. The child tells you they have been sexually abuse;
- b. The child tells you they know someone who has been sexually abused (which may be a way of talking about themselves);
- c. Someone who knows the child tells you the child has been sexually abused;
- d. You observe signs of sexual abuse in the child;
- e. You are a qualified professional who observes the child's behaviour or development, which leads you to believe the child has been sexually abused.
- f. You should not report rumours or unfounded suspicions.

(23) Reportable Allegation [Reportable Conduct Scheme – [Child Wellbeing and Safety Act 2005 \(Vic\)](#)]: Any information that leads a person to form a reasonable belief that an employee has committed:

- a. Reportable conduct; or
- b. Misconduct that may involve reportable conduct— regardless of whether the conduct or misconduct is alleged to have occurred within the course of the person's employment.

(24) Reportable Conduct: Reportable Conduct means:

- a. 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; or
- b. Sexual misconduct, committed against, with or in the presence of, a child; or
- c. Physical violence committed against, with or in the presence of, a child; or
- d. Any behaviour that causes significant emotional or psychological harm to a child; or
- e. Significant neglect of a child.

(25) Staff

(26) Student

## Section 5 - Policy/Regulation

(27) See [Safety and Welfare of Children and Young People Policy](#).

## Section 6 - Procedures

### Part A - Roles and Responsibilities

Roles	Responsibilities
Accountable Person (Chief Human Resources Officer)	<ul style="list-style-type: none"><li>- Ensure that VU complies with its legislative obligations relating to the safety and wellbeing of Young People including referring reports of child abuse to the authorities as required.</li><li>- Implementation of recruitment related matters including compliance training.</li><li>- Provide support and advice to the VU community about issues relating to the safety and wellbeing of Young People, together with the Safer Community Unit.</li><li>- Comply with the <a href="#">Reportable Conduct Scheme</a> administered by the Victorian Commission for Children and Young People.</li><li>- Oversee implementation of any actions arising from any reportable child safe incidents.</li></ul>
Responsible Person - Policy and Governance (Manager, Integrity and Safer Community)	<ul style="list-style-type: none"><li>- Develop, review and revise policies and procedures relating to the safety and welfare of Young People at VU.</li><li>- Coordinate the implementation of policies and procedures relating to the safety and welfare of Children and Young People at VU.</li></ul>
Responsible Person (Senior Coordinator, Safer Community)	<ul style="list-style-type: none"><li>- Ensure that VU complies with its legislative obligations relating to the safety and wellbeing of Young People including referring reports of child abuse to the authorities as required.</li><li>- Receive reports on child safety concerns raised through the Child Safety Reporting process.</li><li>- Investigate allegations of child abuse, child exploitation or safety issues, where appropriate. If the allegations concern a staff member, the Senior Coordinator, Safer Community will consult the Accountable Person to determine whether the investigation will be conducted by the Senior Coordinator, Safer Community, other staff member within the organisation or an independent investigator.</li><li>- Ensure someone is appointed or available to provide support for the child the subject of child safety allegations during the reporting and/or investigation process.</li><li>- Provide support and advice to the VU community about issues relating to the safety and wellbeing of Young People.</li></ul>
Responsible Person - TAFE (Executive Directors, TAFE)	<ul style="list-style-type: none"><li>- Within TAFE, implement the Policy and this Procedure (and all legislative and regulatory obligations) relating to the safety and welfare of Young People.</li><li>- Within TAFE, implement the VU <a href="#">Recruitment and Selection Policy</a>, <a href="#">Recruitment and Selection Procedure</a> and practices applicable to the recruitment of Staff working with Children and Young People.</li></ul>

Roles	Responsibilities
Responsible Persons – Work Integrated Learning/ International Students Under 18 (See <a href="#">Work Integrated Learning Policy</a> and <a href="#">Procedures</a> for current table of responsibilities)	<ul style="list-style-type: none"> <li>- Ensure that the <a href="#">Work Integrated Learning Policy, Procedures</a> and practices comply with VU's legislative obligations regarding child safety.</li> <li>- Ensure that all Students who are under the age of 18 are appropriately protected through the terms of all Work Integrated Learning agreements.</li> <li>- Ensure that Students who are Adults understand and comply with their child safety obligations while engaged in Work Integrated Learning activities.</li> </ul>
Responsible Person – Recruitment  (Director, Capability, Culture and Talent)	<ul style="list-style-type: none"> <li>- Ensure that <a href="#">Recruitment and Selection Policy, Recruitment and Selection Procedure</a> and practices comply with VU's legislative obligations regarding child safety.</li> <li>- Ensure that all required pre-employment checks are understood and correctly performed when selecting any person for a role that involves contact with Children and Young People.</li> <li>- Establish and maintain a system of training and compliance, to make staff aware of, and compliant with, the Framework and relevant legislation, including Working with Children Checks and mandatory reporting requirements.</li> </ul>
Responsible Person – Curriculum and Learning Activities  (Directors of Learning and Teaching or equivalent)	<ul style="list-style-type: none"> <li>- Ensure that child safety is a specific consideration in the development of all learning Activities (including classroom teaching, online Activities, offsite and fieldwork Activities).</li> </ul>
Leader of Organisational Units	<ul style="list-style-type: none"> <li>- 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.</li> <li>- Within their organisational unit implement the VU <a href="#">Recruitment and Selection Policy, Recruitment and Selection Procedure</a> and practices applicable to the recruitment of Staff working with Young People.</li> <li>- 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.</li> </ul>
Responsible Person – Activity  (The staff member responsible for delivery of a particular Activity on behalf of VU)	<ul style="list-style-type: none"> <li>- Ensure that all Activities involving Young People are conducted in accordance with the Policy and this Procedure and other related VU <a href="#">policies and procedures</a>.</li> <li>- Conduct appropriate risk assessments in relation to all Activities (new or existing) involving Young People and adapt the Activities to mitigate risks.</li> <li>- Report child safety concerns to the:               <ol style="list-style-type: none"> <li>1. Safer Community Unit</li> <li>2. Head of the Organisational Unit</li> </ol>               in accordance with the Child Safety Reporting process.             </li> </ul>
Mandatory Reporter	Ensure compliance with their mandatory duties to report. Refer <a href="#">Appendix 2 - Child Safety Reporting Guidelines</a> – Section 4 for further information.

## Part B - Child Safety - Staff Duty of Care

(28) All staff at VU have a duty of care to take reasonable steps to protect Children and Young People under their supervision from Child Abuse or Harm that is Reasonably Foreseeable. This includes:

- a. Reading, understanding and complying with the [Safety and Welfare of Children and Young People - Staff Code of Conduct](#) so as to indicate their commitment to the principles of child safety;
- b. Considering, and taking steps to mitigate, specific risks that may be posed to children or young people in any proposed Activities; and
- c. Taking the actions outlined in [Appendix 1 - Child Safety Reporting Process](#) if they reasonably believe a child or young person needs protection from child abuse or harm.

## Part C - Child Safety - Reporting Obligations

(29) The VU community has legal obligations to report suspected child sexual abuse.

(30) All Adults in Victoria who have a reasonable belief that an Adult has committed a sexual offence against a child

under 16 years of age have an obligation to report that information to the police.

(31) Any person in a Position of Authority at VU commits an offence if they:

- a. Know of a substantial risk of sexual abuse of a child under 16 years of age under the care or supervision of VU,
- b. By an Adult associated with VU, and
- c. Have the power or responsibility to reduce or remove the risk, but
- d. Negligently fail to do so.

(32) Anyone at VU who is a Mandatory Reporter must comply with their mandatory duties to report. Refer to [Appendix 2 - Child Safety Reporting Guidelines](#) – Section 4 for further information.

## **Reportable Conduct Scheme**

(33) 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 and Safer Community, immediately assess whether it is a Reportable Allegation.

(34) 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 three (3) business days.
- 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 of the report of the incident 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.

## **Part D - Managing Risks to Child Safety and Wellbeing**

(35) The Responsible Person must ensure that all Activities involving Children and Young People, whether on-campus, off-campus or online, are undertaken in accordance with the [Safety and Welfare of Children and Young People Policy](#), this Procedure, the [Safety and Welfare of Children and Young People - Staff Code of Conduct](#) and all other applicable [policies and procedures](#).

(36) When planning Activities, the specific risks of harm to Children and Young People must be considered and addressed. This is in addition to the general health and safety risk assessment that forms part of the planning for any Activity..

(37) Child safety risk assessment is based on a range of factors, including the nature of the Activities, the planned environment, and the staffing profile. When considering risk, Responsible Persons should also factor in the characteristics and needs of particular Young People and communities involved, including Young People of Aboriginal heritage, culturally and/or linguistically diverse backgrounds, diverse genders and sexualities, and Young People with a disability.

(38) All Activities involve standard ('business as usual') risks. Specific Activities such as excursions and overnight trips may also pose additional risks.

(39) It is expected that those organisational units which frequently conduct Activities with children will have in place their own detailed risk management processes to safeguard children, relevant to their particular activities. It is the responsibility of the relevant leader of the organisational unit to ensure that:

- a. such processes are in place;
- b. processes are in conformity with this Procedure and the University's overall [Risk Management Policy](#) and [Risk Management Procedure](#).

(40) All child safety critical incidents and allegations of reportable conduct must be recorded in the University's central Risk Register.

## **Part E - Participation and Empowerment of Children**

(41) In planning and conducting Activities involving Children and 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 Children and 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 Children and 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 Children and Young People.

## **Part F - Recruitment and Selection**

(42) VU's Recruitment processes, as outlined in the [Recruitment and Selection Procedure](#) and any related Guidelines, are designed to ensure:

- a. Staff recruited to roles where they will, or may, work with Children and Young People are appropriately vetted, qualified and equipped to do so safely and with regard to the wellbeing of Children and Young People;
- b. Records are made and kept of completed Working with Children Check (WWCC) clearances for all relevant staff.

(43) The Leader of the Organisational Unit 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 valid and current Working with Children Check (WWCC).

(44) The [Recruitment and Selection Procedure](#) identifies a number of categories of Staff who require a WWCC. In addition to Staff working in these categories, other specific additional roles may require a WWCC. If it is identified that a new or existing role requires a WWCC, this will be communicated and enforced.

## Part G - Training and Induction of Staff

(45) All VU staff are required to read and understand the [Safety and Welfare of Children and Young People - Staff Code of Conduct](#) as part of their onboarding with the organisation.

(46) All VU staff who are appointed to roles where they will, or may, work with Children and Young People must undertake induction training relating to their duty of care for Children and Young People.

## Part H - Work Integrated Learning/Practical Placements

(47) The Responsible Persons for work integrated learning activities (see [Work Integrated Learning Procedure \(HE\)](#) or VET practical placements (see [Work Integrated Learning - Practical Placement Procedure \(VET\)](#)) for Students that involve contact with Young People must ensure that:

- a. Students comply with the [Safety and Welfare of Children and Young People Policy](#) and this Procedure; and
- b. Students are provided with appropriate information on requirements such as Working with Children Checks and legal obligations to report on Child Abuse or Harm.

(48) Where the Students taking part in work integrated learning activities or VET practical placements are under 18 years of age, the Responsible Persons must ensure that:

- a. The work integrated learning partner or practical placement partner has policies and procedures relating to child safety that meet the [Victorian Child Safe Standards \(Vic\)](#) or equivalent and are at least as rigorous as VU's policy and procedures; or
- b. If the work integrated learning partner or practical placement partner's policies and procedures are deemed to be incomplete or insufficient, VU's policy and procedures are accepted by the partner as applicable to the student's placement.

## Part I - Research Activities Involving Children

(49) The Responsible Person for Activities which comprise research involving interactions with Young People must ensure that:

- a. the Activities are conducted in accordance with the [Safety and Welfare of Children and Young People Policy](#) and this Procedure;
- b. the Activities comply with the Australian Code for the Responsible Conduct of Research (2018), [National Statement on Ethical Conduct in Human Research 2023](#) and any VU Human Research Ethics Committee (VUHREC) directions provided as part of the ethics approval.

## Part J - Administrative Matters

### Students

(50) The person responsible for an Activity 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

(51) 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.

(52) 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

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

## Record Keeping

(54) 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.

(55) Records must be retained and managed in compliance with the Public Record Office Victoria Retention & Disposal Authority: PROS 19/08 (Organisational Response to Child Sexual Abuse Incidents and Allegations).

# Section 7 - Supporting Documents and Information

(56) [Victorian Child Safe Standards \(Vic\)](#)

(57) [Commonwealth Child Safe Framework](#)

(58) [A Guide for Creating a Child Safe Organisation](#)

(59) [Cultural safety for Aboriginal children](#)

(60) [Safety of children from culturally and linguistically diverse backgrounds](#)

(61) [Safety of children with a disability](#)

(62) [Empowerment and participation of children](#)

(63) [Reportable Conduct Scheme](#) (CCYP website)

(64) [Failure to Disclose Offence Fact Sheet - Department of Justice and Community Safety](#)

(65) [Failure to Protect Offence Fact Sheet - Department of Justice and Community Safety](#)

(66) [Mandatory Reporting - Department of Families, Fairness and Housing \(DFFH\) Victoria](#)

(67) [Child Protection and Child Safe Standards \(PROTECT\)](#)

(68) [Preventing Sexual Exploitation, Abuse and Harassment \(PSEAH\) Policy](#) - Department of Foreign Affairs and Trade



## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	13th October 2021
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## Glossary Terms and Definitions

**"Student"** - - a person enrolled at the University in a course leading to a degree, diploma, certificate, licence or other award; or - a person whose study performance is being or is to be assessed by the University, notwithstanding that such a person is not enrolled at the University in a course leading to a degree, diploma, certificate, licence or other award. (The above definition of student is from section 3 of the Victoria University Act 2010 and Council Resolution C2010 - 070).

**"Staff"** - Staff means: - all employees of the University, on all domestic and offshore locations, including student residences, and while engaged in all work-related activities such as conferences and work-sponsored social occasions; - all contractors and consultants performing work on University sites or on behalf of the University; - visiting academics, honorary, adjunct and exchange staff; - the Council and its committees; and - any volunteer in the workplace and study environment.

**"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.

**"Child Abuse or Harm"** - Any act committed against a child involving: A sexual offence; or An offence under section 49M(1) of the Crimes Act 1958 ; and The infliction, on a child, of: Physical violence; or Serious emotional or psychological harm; and The serious neglect of a child.

**"Child-Safe Environment"** - An environment that is created to reduce opportunities for harm or abuse to children. A child safe organisation is one that: Empowers and values children Engages with families and the broader community Adopts suitable strategies Takes appropriate action to promote child safety and wellbeing at all levels of the organisation.

**"Mandatory Reporter(s)"** - Persons who have a mandatory reporting obligation as set out in Part 4.4 of the Children, Youth and Families Act 2005 (Vic). Persons include (but not limited to) registered teachers; school principals; registered medical practitioners; nurses including midwives; police officers; registered psychologists; early childhood workers; youth justice workers, and out of home care workers.