

POLICY STATEMENT

Responsibilities

The Board of Directors of K.Y.M. (Victoria) Incorporated has ultimate responsibility for the detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place. The Board is also responsible for ensuring that appropriate Policies and Procedures and a Child Protection Code of Conduct are in place.

The CEO of K.Y.M. (Victoria) Incorporated is responsible for:

- Dealing with and investigating reports of child abuse
- Ensuring that all staff, contractors, and volunteers are aware of relevant laws, organisational Policies and Procedures, and the organisation's Code of Conduct
- Ensuring that all adults within K.Y.M. (Victoria) Inc. are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures
- Ensuring that all staff, contractors and volunteers are aware of their obligation to observe K.Y.M. (Victoria) Inc.'s Child Safe Code of Conduct
- Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities

The Operations Manager and Program's Coordinator must ensure that they:

- Promote child safety at all times
- Assess the risk of child abuse within their area of control and eradicate/minimise any risk to the least extent possible
- Educate employees about the prevention and detection of child abuse; and
- Facilitate the reporting of any inappropriate behaviour or suspected abusive activities
- Are familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct

All staff/ volunteers/ students/ contractors share in the responsibility for the prevention and detection of child abuse, and must:

- Familiarise themselves with the relevant laws, the Code of Conduct, and K.Y.M.'s policy and procedures in relation to child protection, and comply with all requirements
- Provide both a Police Check and Working with Children Check in accordance with the law and as appropriate, before they commence working (including work experience students)
- Report any reasonable belief that a child's safety is at risk to the relevant authorities (such as the police and/or the state-based child protection service) and fulfil their obligations as mandatory reporters
- Report any suspicion that a child's safety may be at risk to their supervisor (or, if their supervisor is involved in the suspicion, to a responsible person in the organisation); and

- Provide an environment that is supportive of all children's emotional and physical safety

DEFINITIONS

Child

Means a person below the age of eighteen (18) years unless, under the law applicable to the child, majority is attained earlier.

Child Protection

Means any responsibility, measure or activity undertaken to safeguard children from harm.

Child Abuse

Means all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child.

Child Sexual Assault

Is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

Reasonable ground for belief

A belief is based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation and whether there is any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a reasonable person believes that:

- a) The child is in need of protection
- b) The child has suffered or is likely to suffer significant harm as a result of physical injury
- c) The parents are unable or unwilling to protect the child

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than mere rumour or speculation.

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:

- a) A child states that they have been physically or sexually abused
- b) A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- c) Someone who knows a child states that the child has been physically or sexually abused
- d) Professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or

e) Signs of abuse lead to a belief that the child has been physically or sexually abused

Reporting

Any staff member, volunteer or contractor who has grounds to suspect abusive activity must advise the Operations Manager or Program’s Coordinator immediately about their concern and notify the appropriate child protection service or the police.

In situations where the supervisor is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the CEO.

Supervisors must report complaints of suspected abusive behaviour or misconduct to the CEO and also to any external regulatory body such as the police.

Mandatory Reporting Obligations

Legislation Name	Mandated reporters	When must a report be made?	Who is a child?
Crimes Act 1958 (Vic)	Any person 18 years or older	A mandated reporter must make a report if they form a reasonable belief that a sexual offence has been committed in Victoria against a child by another person of or over the age of 18 years. NB: exceptions may apply.	A person under 16 years old
Children, Youth and Families Act 2005 (Vic)	<ul style="list-style-type: none"> • Registered medical practitioners, midwives and registered nurses • Teachers registered or granted permission to teach under the Education, Training and Reform Act 2006 • Principals • Police 	<p>A mandated reporter must make a report if:</p> <ul style="list-style-type: none"> • They form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse; • The parents cannot or will not protect the child; and • The belief is formed in the course of practising his/her position of employment. NB: exceptions may apply. 	A person under 17 years old

Voluntary Reporting Obligations

Legislation Name	Voluntary reporters	When can a report be made?	Who is a child?
Children, Youth and Families Act 2005 (VIC)	Any person	A voluntary reporter may make a report if the person suspects on reasonable grounds that a child has been or is being abused or neglected.	A person under 18 years old
Children, Youth and Families Act 2005 (Vic)	Any person	A voluntary reporter may make a report if the person has a significant concern for the wellbeing of a child.	A person under 17 years old

Investigating

If the appropriate child protection service or the police decide to conduct an investigation of this report, all employees, contractors or volunteers must co-operate fully with the investigation.

Whether or not the authorities decide to conduct an investigation, the CEO and/or delegate will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any proceeding of the authorities, the CEO and/or delegate may decide to conduct such an investigation. All employees, contractors and volunteers must co-operate fully with the investigation.

Any such investigation will be conducted according to the rules of natural justice. The CEO and/or or delegate will make every effort to keep any such investigation confidential; however, from time to time other members of staff may need to be consulted in conjunction with the investigation.

After an initial review and a determination that the suspected abuse warrants additional investigation, the CEO and/or delegate shall coordinate the investigation with the appropriate investigators and/or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

Responding

Responding if it is alleged that a member of staff, contractor, student or a volunteer may have committed an offence or have breached the organisation's policies or its Code of Conduct the person concerned may be stood down (with pay, where applicable) while an investigation is conducted.

If the investigation concludes that on the balance of probabilities an offence (or a breach of the organisation's policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organisation. The findings of the investigation will also be reported to any external body as required.

Privacy

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. K.Y.M. will have safeguards and practices in place to ensure any personal information is protected. Everyone is entitled to know how the personal information is recorded, what will be done with it, and who will be able to access it.

Reviewing

Every two years, and following every reportable incident, a review shall be conducted to assess whether the organisation's child protection policies or procedures require modification to better protect the children under the organisation's care.