

1. OVERVIEW

Sexual Health Victoria (SHV) is committed to promoting and protecting the interests and safety of children. SHV has a zero-tolerance policy for child abuse.

2. PURPOSE

The purpose of this policy is to:

- Outline SHV's commitment to child safety, which includes the physical, cultural, emotional and psychological safety of children
- Prevent child abuse occurring within SHV
- Provide clear guidance as to the action that should be taken where any abuse is suspected within or outside the organisation. Including when staff suspect a child requires protection while providing/delivering SHV services
- Maintain an organisational culture of child safety
- Inform staff who wish to make a report to do so in accordance with the Mandatory Reporting requirements.

3. SCOPE

This policy applies to all SHV staff including employees, Board and Board committee members, contractors, volunteers, students and trainees.

A concern can be raised about a current incident or one that has occurred at any time in the past.

4. DEFINITIONS

Child/Children (as the context permits) means a child or young person who is under the age of 18 years (as defined in *Child Wellbeing and Safety Act 2005 Vic*), unless otherwise stated under the law applicable to the child.

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 their understanding or contrary to accepted community standards (*Crimes Act 1958 Vic*).

Reasonable grounds for belief: is a belief based on reasonable grounds (see below) 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 are any other related matters known regarding the alleged perpetrator.

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

- the child needs protection,
- the child has suffered or is likely to suffer “significant harm as a result of physical injury,” or
- the parents are unable or unwilling to protect the child.

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 child states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been physically or sexually abused
- 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
- signs of abuse lead to a belief that the child has been physically or sexually abused.

5. CHILD SAFE STANDARDS

Victoria has compulsory minimum Child Safe Standards (the **Standards**) that SHV must comply with. Organisations that exercise care, supervision or authority over children, whether as part of their primary function or not, must comply with the Standards.

There are 11 Child Safe Standards which are summarised in Appendix A.

The Victorian Commission for Children and Young People (the **Commission**) oversees and enforces compliance with the Standards.

6. POLICY

SHV is an inclusive and welcoming organisation that supports safety, participation, empowerment and wellbeing of all children and young people. The governance processes and arrangements of SHV facilitate the implementation of the Child Safety Principles and Standards and related policies.

SHV, as an organisation, will provide a safe environment for children by:

- Welcoming Aboriginal and Torres Strait Islander children and supporting them to express their culture and to enjoy their rights. SHV will not allow racism.
- Promoting the safety and inclusion of same sex attracted, intersex and gender diverse children. SHV is gender affirming and does not allow discrimination based on sexual or gender identity.
- Promoting the safety of children with a disability to ensure they can participate equitably. SHV is neurodiversity affirming and does not allow discrimination based on ability or visible and invisible disabilities.
- Documenting how we find, avoid, and stop risks of child abuse or harm. Child safety is important to everyone at all levels in our organisation.
- Supporting children to know their rights to be safe from abuse, informed, and involved. We help them to talk openly and take part in decisions that affect them.
- Telling families and the community about what we do, and how we keep children safe from

harm and abuse. We help families to have a say and to take part in decisions that affect their child.

- Understanding that every child is different and has different needs and that SHV provides the information and help that they need.
- Requiring our staff to know what they must do to keep children safe from abuse and harm. They record, report, and share information about child safety when they should. SHV staff who work with children have had the background checks they need.
- Informing children and their families about how to make a complaint and what happens when a complaint is made. Our staff know how to respond properly to complaints.
- Training and supporting staff to keep children safe from abuse and harm. Our staff are trained to know the signs of child abuse and harm and what to do if there are issues of abuse and harm.
- Making sure children are safe when they use our services, settings, and activities. This includes when children are online.
- Continually reviewing and improving the ways we keep children safe from abuse and harm.
- Maintaining written policies and protocols about how we keep children safe from abuse and harm. They are easy to understand, and all staff follow them.

6.1 Safe and inclusive environments to create a child safe culture

SHV does not tolerate child abuse in any form and will:

- take a proactive approach to the prevention of child abuse by identifying, removing and reducing risks early,
- take a proactive approach to identifying and responding to instances of racism and any form of discrimination, harassment and bullying against children,
- take reasonable steps to eliminate and prevent sexual misconduct,
- take all reasonable steps to support a child making a disclosure or to whom a concern pertains,
- treat all children making a disclosure or to whom a concern pertains with dignity and respect, and
- treat all child abuse allegations seriously in accordance with applicable legislative obligations.

6.2 Ongoing review of policy and procedures and training

SHV is committed to promoting best practices in relation to child safety and will periodically review the child safety policy and the procedures that support them.

SHV is committed to ensuring that its staff have access to appropriate professional learning and training opportunities to develop and maintain an understanding of child safety and prevention of harm.

7. MANDATORY REPORTING RESPONSIBILITIES

Doctors, nurses, teachers (educators), youth workers and social workers are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic) and *Family Law Act 1975* (Vic) and must follow the SHV Mandatory Reporting Policy.

8. FAILURE TO DISCLOSE

Failure to Disclose obligations apply to any adult. All SHV staff must follow SHV's Failure to Disclose procedures.

9. EXEMPTION

Doctors, and psychologists do not have to disclose information that is a 'confidential communication' within the meaning of s 32B of the *Evidence (Miscellaneous Provisions) Act 1958 (Vic)*.

Registered doctors, and psychologists do not need to disclose information that:

- is communicated in confidence
- is made by a person that is a victim of a sexual offence; and
- is made during the relationship of medical practitioner and patient, or psychologist and client.

A registered medical practitioner is defined in s 32B of the *Evidence (Miscellaneous Provisions) Act 1958 (Vic)* as: 'A person registered under the Health Practitioner Regulation National Law to practice in the medical profession (other than as a student).'

Both doctors and nurses are registered under the Health Practitioner Regulation National Law.

10. RESPONSIBILITIES

All SHV staff must:

- adhere to SHV's Child Safety Policy, Procedures, and Code of Conduct,
- support the safety, participation, wellbeing and empowerment of children,
- take all reasonable steps to protect children from abuse including exposure to adult /graphic material,
- strive to build a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued,
- aim to empower children and young people about their rights, their participation in decisions affecting them and that they are taken seriously,
- involve and inform families and communities in promoting child safety and wellbeing,
- endeavour to uphold equity and respect diverse needs in policy and practice,
- maintain SHV's physical and online environments to promote safety and wellbeing while minimising the opportunity for children and young people to be harmed,
- report any suspicion or allegation of child abuse within SHV to the Chief Executive Officer (CEO), and
- report any allegation to the Police or Child Protection.

Empowerment and participation

Guiding principles of responsibilities include:

- listening and responding to the views and concerns of children; encouraging them to have a voice,
- promoting the safety – including cultural safety, participation and empowerment of all children, including:
 - Aboriginal children (for example, by never questioning an Aboriginal child's self-identification)
 - children of all sexual orientation and gender identities
 - children with culturally and/or linguistically diverse backgrounds
 - children with a disability,
- if an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe.

Things that individuals must not do include (but are not limited to):

- Be alone in a room with a child (minimum two staff present at all times)
- Develop any 'special' relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children)
- Exhibit behaviours with children which may be construed as unnecessarily physical.
- Put children at risk of abuse (for example, by locking doors)
- Do things of a personal nature that a child can do for themselves, such as toileting or changing clothes
- Engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities)
- Use inappropriate language in the presence of children
- Express personal views on cultures, race or sexuality in the presence of children
- Discriminate against any child, including because of culture, race, ethnicity or disability
- Have contact with a child or their family outside of our organisation without the CEO's knowledge and/or consent (for example, no babysitting and no contact outside SHV or the clinic). Accidental contact, such as seeing people in the street, is appropriate
- Have any online contact with a child or their family (unless necessary, for example providing families with e-newsletters)
- Ignore or disregard any suspected or disclosed child abuse
- Be in possession of or access any child exploitation material.

11. SCREENING AND SELECTION - WORKING WITH CHILDREN CHECK

All staff working on behalf of SHV must hold a valid current Working With Children Check and be able to present the card for validation upon request (eg. by other organisations).

12. SHV RELATED DOCUMENTS

- Code of Conduct
- Failure to Disclose Offence
- Reportable Conduct Scheme [Child Safety Procedure]
- Mandatory Reporting - Clinical Operations Protocol
- Police Check and Working with Children Check Guidelines

13. LEGISLATION AND REFERENCES

- Crimes Act 1958 (VIC)
- Child Wellbeing and Safety Act 2005 (VIC) (including Child Safe Standards)
- Children, Youth and Families Act 2005 (VIC) (including reporting to Child Protection)
- Family Law Act 1975 (Cth) (including failure to protect and failure to disclose offences)
- Child Safe Standards (VIC)
- Wrongs Act 1958 (Vic) (including Part XIII – organisational liability for child abuse)
- Commissioner for Children and young People - A Guide for creating a Child Safe Organisation Reportable Conduct Scheme (Commission for Children and Young People)
<https://ccyp.vic.gov.au/reportable-conduct-scheme/>
- Child Safe Standards plain English <https://ccyp.vic.gov.au/assets/resources/New-CSS/Victorias-Child-Safe-Standards-Plain-language-poster-10.02.2023.pdf>

14. DOCUMENT CONTROL

Document Control	
Document Title:	Child Safety Policy
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Responsible Officer/Department:	Office of CEO
Written/updated by:	Erin Davie Continuous Improvement Manager and Nestle Drumm Compliance Risk & Quality Officer
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APPENDIX A – CHILD SAFE STANDARDS

#	Standard
Standard 1	Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued
Standard 2	Child safety and wellbeing is embedded in organisational leadership, governance and culture
Standard 3	Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously
Standard 4	Families and communities are informed and involved in promoting child safety and wellbeing
Standard 5	Equity is upheld and diverse needs respected in policy and practice
Standard 6	People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice
Standard 7	Processes for complaints and concerns are child-focused
Standard 8	Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training
Standard 9	Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed
Standard 10	Implementation of the Child Safe Standards is regularly reviewed and improved
Standard 11	Policies and procedures document how the organisation is safe for children and young people