

CHILD SAFE & WELLBEING POLICY

ADMINISTRATOR
Risk, Safety & Compliance
LAST REVIEWER
Dr David Marsden

LAST REVIEWED DATE
October 2023
POSITIONS AFFECTED
All

PURPOSE

Introduction

The safety and wellbeing of participants is the foremost concern for the Outdoor Education Group. This policy aims to promote children's safety, ensuring The Outdoor Education Group has adequate processes to prevent, respond to and report all allegations of child abuse.

The Outdoor Education Group is committed to maintaining the highest standards of conduct and professionalism concerning its duty of care for children and maintaining the trust of our client schools' team members, students, and parents.

To meet this obligation, we employ several strategies, including:

- Remain guided by the National Principles for Child Safe Organisations and adhere to state-based Child Safety Standards.
- Ensuring organisational understanding and awareness of the issues (policies and training)
- Effective recruitment policy and practices, including screening, selection techniques and referee checks. (Recruitment Selection and Induction policy)
- Adequate and effective supervision of children
- Clear reporting guidelines and training (Child Safe policy)
- Police checks as part of screening for potential employees engaged in child-related employment – pertinent to international candidates and high-risk roles as identified by OEG.

Policies statement

This policy includes the management and procedures for the following areas:

- Child Protection - covering the aspects of employment to a role and position that would support access to young people during their work or duties. In alignment with State Legislative requirements
- Child Safe – covering a commitment to a child safe culture that ensures our learning environments are safe for all children. This is defined through a code of conduct and clear procedures for reporting any child related safety matters, mandatory or otherwise.

CHILD PROTECTION

POLICY

We require all team members, paid or volunteers whom The Outdoor Education Group employs have a current Working with Children Check relative to the state location they are based. This includes all members of the OEG Board. In addition, all employed team members across Finance, People and Culture and Risk need to provide a current National Police Check.

International employees coming from overseas will be requested to provide a police record check from the country in which they have resided. In addition, international field team members will require a Working with Children Check for the state where they work.

PROCEDURE

1. Application for check

New employees are sent an application for a national police check if they are an international candidate or identified as obtaining a high-risk role (as per the Departments listed above), and relevant information on how to obtain a working with children check (state-based) with their contract. Prospective employees are required to obtain the relevant police checks or an international equivalent at their own expense if they do not have a current check.

The Outdoor Education Group may require a new police check of an existing employee occupying a high-risk role, in the following circumstances:

- update/renewal of check prior to expiry (based on state requirements) if required;
- a lack of record of having sighted an original check,
- any circumstance that may have given rise for concern about an employee's suitability to work with children.

We will reimburse salaried team members for National Police Check and Working with Children Check renewals providing they have worked for The Outdoor Education Group for longer than 12 months in their current contract.

2. Submitting the application - new team member

If applicable, the new appointee must submit the application form for National Police Check by post, with payment and a minimum of 100 points of identification to the Australia Federal Police (address is on the form - applications cannot be faxed to Victoria Police). The Working with Children Check application (state-based) must be initiated and submitted by the employer. A copy of National Police Check (if so required) and WWCC should be returned to the People & Culture Department with other pre-employment paperwork.

It is expected that the checks will be completed within 14 days.

It is recommended the applicant not commence employment (in contact with children) that no action is taken to complete or formalise the proposed appointment until the check is completed.

In the event that a new team member in a high-risk role cannot provide a Police record prior to commencing work, they must be advised that their employment is contingent on providing a satisfactory check;

- complete a statutory declaration as follows "that I do not have any convictions, findings of guilt and/or pending charges (non-traffic) in either Victoria, NSW or any other state of Australia or under Commonwealth law."
- be advised that if a satisfactory check is not provided within 6 weeks, their employment will be terminated

We will recognise a police record check as valid if it was issued within the preceding one year prior to placement. Checks should be from the country/state in which the majority of their relevant recent work (12-18 months) has been conducted.

Existing salaried team member

In the instances where OEG have agreed to pay for a police check renewal, we will submit the application and retain the record on the individual's confidential file. If a person wishes to retain the original for use elsewhere, they can submit and pay for it themselves. We will then sight and record the check as per new team member checks.

3. Sighting and recording the results of a check.

The Outdoor Education Group has a nominated officer (P&C Coordinator) responsible for sighting and recording (electronic file and computer record) that an individual has provided a satisfactory police check. The P&C Coordinator places an electronic copy of the check on the employees' file. If the individual does not wish to keep the copy on file, the P&C Coordinator will place a signed record that the check has been sighted and return the original to the individual.

The P&C Coordinator is also the nominated person to examine and record the police checks for students undertaking work placement with The Outdoor Education Group in any capacity in which they are in contact with children.

A records check will state either:

- that the subject has no disclosable record, or
- give details of any disclosable record, including if the individual has been charged with any

offences, or is under investigation regarding outstanding matters that have not yet been heard at court.

In the event of an unsatisfactory records check, the P&C Coordinator will notify the relevant head of department.

4. Unsatisfactory checks

Not all criminal convictions preclude employment. A Police check on a potential employee will be deemed unsatisfactory:

- **If that person has criminal convictions concerning abuse of children, sexual assault violence, violent crimes, drug trafficking**

A Police check on a potential employee may be deemed unsatisfactory;

- **If that person has criminal convictions concerning dangerous driving or .05 blood alcohol offences.**
- There are other convictions that may be deemed inappropriate to appoint that person to the position they have applied for.

Spent convictions

The company may not take into account convictions more than five years passed, except for any offence in the case of sexual assault or any offence against a minor or any offence involving violent crime.

5. Maintaining confidentiality

Only the Outdoor Education Group nominated officer (see clause 4 above) sights and records the sighting of a satisfactory check. To improve record keeping a copy will be placed on file with the signed permission of the individual. The reasons for an unsatisfactory check are not divulged to anyone except the individual.

RESOURCES

National Principles for Child Safe Organisations

<https://www.childsafety.gov.au/what-we-do/lead-national-principles-child-safe-organisations>

Victoria Police "Procedure for Organisations Conducting National Police Records Checks" –

<https://www.police.vic.gov.au/sites/default/files/2019-05/Info%20Sheet%20Procedure%20for%20Orgs%20May19.pdf>

STATE	WORKING WITH CHILDREN CHECK	CHILD PROTECTION LEGISLATION
ACT	Working with Vulnerable People Registration (ACT)	The Working With Vulnerable People (Background Checking) Act 2011 (ACT)
Northern Territory	Working with Children Clearance NT	Care and Protection of Children Act 2007 NT
New South Wales	Working with Children Check - NSW Office of the Children's Guardian	Commission for Children and Young People Amendment Act 2005 NSW
South Australia	Working with Children Check - Screening Unit SA	The Child Safety (Prohibited Persons) Act 2016 (SA)
Victoria	https://www.workingwithchildren.vic.gov.au/	Working With Children Act 2005 VIC
Western Australia	Working with Children Check WA	Working with Children (Criminal Record Checking) Act 2004 WA

Australian Institute of Family Studies – Age of consent laws:

<https://aifs.gov.au/cfca/publications/age-consent-laws>

CHILD SAFE

PURPOSE

Child Safe Organisation

The work of The Outdoor Education Group is focused on the continued development of young people through the power of experiential learning. In achieving this goal our primary commitment is to ensure that our learning environments are safe and inclusive to all children at all times.

As a Child Safe Organisation our team members have committed to a code of conduct to ensure children on our programs remain safe, happy and empowered whilst learning. Through promoting diversity and tolerance we respect and listen to the views of all the children we support. We have zero tolerance for any form of abuse in the delivery of activities and welfare whilst on programs, with any identified incidents treated seriously. This Child Safety Policy identifies the specific steps we are committed to take daily to ensure that Child Safety is held at the core of all our operations and activities within The Outdoor Education Group.

Through employing skilled and experienced team members to work with children in the Outdoors. Our selection criteria; advertisements and recruitment stages demonstrate a diligence towards child safety at all steps to ensure we are recruiting the right people, and actively promoting child protection awareness across our team member teams

Whilst we consider personal information as private we acknowledge our responsibility to report any allegation of abuse, including failure to disclose and failure to protect if we have reasonable belief that an incident disclosed took place.

Risk management strategies seek to identify, assess and remove the potential for abuse or harm of children, which extends to both program delivery in the field and any online environments through our Social Media Policy and protocol.

Safety and welfare of the children in our care is paramount to all our activities and extends to their physical, mental and emotional wellbeing at all times whilst we support them to learn and grow.

CEO – Craig Richards

POLICY

Mandatory Reporting of Child Abuse, Neglect and Harm

Ensuring the safety and wellbeing of children in our program's rests at the core of all of The Outdoor Education Groups activities. Children can be harmed physically and emotionally. The effects of which can be long term for the child, their family and their community. Intervention may play an important part in lessening the harm and promoting the recovery of the child and family.

Mandatory Reporting is legislative requirement which specifies who is required by law to report suspected cases of child abuse, neglect or harm. The Outdoor Education Group has a specific role to play in the mandatory reporting process and a direct duty of care to inform child support agencies and the police where a 'Reasonable Belief' is established that a child may be at risk.

All professionals and volunteers working with children share in the responsibility of protecting children. The responsibility of The Outdoor Education Group is to report any concerns through the incident reporting system which will be provided to the appropriate child support services agency, the school (if applicable) and the police in the specific case of a sexual abuse disclosure. This policy is in place to ensure the welfare of students while on program, to fulfil our duty of care as a Child Safe Organisation and to abide by all mandatory reporting obligations as a part of our Child Safety Policy.

Compliance legislation by the Department of Justice & Regulation makes it a criminal offence and legal duty for all adults who do not report about child sexual abuse to the police. Any adult who forms a 'reasonable belief' that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to the police. Failure to disclose the information is a criminal offence (see below for specific guidance in line with Mandatory Reporting Procedures.)

PROCEDURE

The protocol for The Outdoor Education Group Team member is clear and aims to protect the student at risk as well as the reporting Team member members.

Team member must respect confidentiality when dealing with a case of suspected child abuse. Details, including

the identity of the student, must only be discussed with those with a bona fide involvement in the management of the situation. Disclosure of information under the Department of Justice & Regulation is founded on the term 'Reasonable Belief' (see below)

The role of The Outdoor Education Group

Duty of care includes the protection from abuse of children and young people on our programs. Our role is to ensure the welfare of these students while on program and to report any 'reasonable belief' through The Outdoor Education Groups incident reporting procedures and follow the protocol defined below in this policy.

Your role as Group Leader

Your role, as a professional, is not to investigate or collect evidence on an alleged offender, but to support the student and take them seriously and follow the protocol identified in this policy.

Suspected or Disclosed Abuse

If you have developed a reasonable belief of abuse due to the presence of one or more indicators (see definitions below for guidance), and the student has not told anyone, firstly be aware of the emotional stress the child may be experiencing in disclosing this information.

A **Reasonable Belief** is not the same as having proof. 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 when:

- A child states directly and explicitly that they have been abused (this is known as 'disclosure')
- A child states that they know someone who has been abused or is at risk of harm (this is known as 'suspected disclosure, though note that sometimes the child may in fact be talking about themselves)
- Someone who knows a child states that the child has been abused or is at risk of harm.
- A professional observation of the child's behaviour, physical condition or development leads a professional to form a belief that the child has been abused.

It's important where 'a reasonable belief' has been established to enact the following protocol.

- Tell the student that they are believed and that you will support them
- Listen patiently and carefully to what the child is saying.
- Tell the child that they are not responsible for what is about to happen
- Do not ask questions or seek to investigate. Be supportive and listen to offered information but do not request anything further or provide leading questions.

- Do not tell the child that you will keep the information a secret, and do not say "Everything will be ok" as it may take time before the situation is resolved
- Inform the child of what will happen next (refer to the reporting procedure below)
- Make notes as objectively as possible using an incident report form.
- Inform the student that you have a responsibility to report what has been disclosed and that you take responsibility for the actions that will now be taken in seeking further support.

Your role is to report your concerns immediately:

- Inform the school team member (if applicable) of your concerns clearly outlining your reasoning as documented in your incident report.
- Inform the school team member (if applicable) of the reporting process you must follow
- Contact the course coordinator (if unavailable the Field response Duty Manager)
- Ensure your incident report form accounts for the full details of the conversations that have informed your reasonable belief. Account also for the setting or situation in which this occurred, who was present and who else has been informed of this disclosure or incident.

Once you have reported your concerns, your role is to continue to offer support to the person who made the disclosure. You should seek support from your Course Coordinator (if this is not available, additional support should be sought through the Field response Duty Manager).

If the alleged offender is on program

If the alleged offender is another person on the program, the Course Coordinator (or Field Response Duty Manager if the CC is unavailable) must be notified immediately. The accused team member or child must not be left unsupervised. The Course Coordinator will coordinate the evacuation of the alleged offender and organise a replacement team member if required.

The alleged offender's rights must also be observed. Your role is to refrain from judging the validity of the accusation and the alleged offender. Your responsibility is to minimise the risk of harm to the child and the group by removing the alleged offender from the program while maintaining the confidentiality of those involved.

Field Protocol:

- Inform the Course Coordinator (if unavailable the Field Response Duty Manager) clearly outlining the situation.
- Ensure the alleged offender is supervised.
- If the alleged offender is another student, then the school team member (if applicable) or another adult support member of the group can provide this supervision.

- If the alleged offender is another team member then the alleged offender must be removed from the program immediately. In this situation, do not disclose any information to the alleged offender until a replacement team member is present.
- If you must leave the group to obtain clear communications to gain additional support, ensure first that the entire group is together – set a group task and explain that you will return soon.
- Record the incident on an incident report form.
- Follow the instructions outlined by the Course Coordinator.

Your role as Group Leader with a Teacher Replacement

In either case of suspected or disclosed abuse, your responsibility to report immediately remains unchanged. Under these circumstances you must inform the Course Coordinator (or the Field Response Duty Manager in the event the CC is non-contactable).

Your role as a Course Coordinator (or Field Response Duty Manager)

Information provided by the Group Leader must be treated in complete confidence and immediately reported to the Field Response Duty Manager. Team members will want to trust that reports are handled professionally and confidentially and that the process is transparent and fair. If they are not able to have confidence in the process, they may decide to either discuss concerns amongst themselves or choose not to let the organisation know.

FDM will inform the Executive responsible for outdoor education delivery. The Executive Team will ensure that the client school are aware of the situation) this will be done through the School All Hours Contact, the school will be reminded of The Outdoor Education Groups Mandatory Reporting Procedures and that the incident report will be communicated to Child Services.

Where the child in question is not part of a school group the organiser of the group will be informed, they will be reminded of The Outdoor Education Groups Mandatory Reporting Procedures and that the incident report will be communicated to Child Services.

Where the child is on a program directly contracted with the parent/guardian and the parent/guardian is the alleged offender child support services will be contacted directly for further guidance.

In all events, if the disclosure is sexual the police will be informed by the person to who the disclosure was made (as is compliant with legislation). In the event this is not possible this will be done by the Course Coordinator (or the Field response Duty Manager) on the team member's behalf, this will be based on the direct details noted in the incident report.

Provision will then be made for the team member to leave the field if requested by the police for further information.

As the Course Coordinator (or Field response Duty Manager), your role is also to ensure that the team member who initially managed the incident is kept informed and updated as required.

Information required when making a report

- The student's name
- A description of the abuse identified based on reasonable belief indicators, behaviour observed or an account of what the child/young person has told you
- The reason for believing that the injury or behaviour is the result of abuse or neglect
- An assessment of immediate danger to the student
- Current location of the student
- Actions taken to support and safeguard whilst further support is established.
- Any specific cultural or other details that will help understand the student's needs, e.g., language, disability, etc.

How can I deal with my personal response?

Expect some reactions of your own. When a child tells you that he or she has been abused you may feel a sense of outrage, disgust, sadness, anger, and sometimes disbelief. These are normal responses.

Be aware of your own emotions. When you are with the student, stay calm, be reassuring and let them know that you believe them. Do not discuss your feelings about the abuse or the perpetrator in front of the student. Most importantly, do not let your feelings keep you from acting professionally and responsibly.

There are a number of support systems in place for team members facing these difficult situations. Debriefing and counselling will be made available through your team leader and the People & Culture Department.

Reporting procedure flow chart:

The responsibility of The Outdoor Education Group is to document any disclosed incident and communicate this immediately or as soon as is reasonably feasible following the protocol defined above. This reporting process is in place to ensure the welfare of children while on the program, to fulfil our duty of care as a Child Safe Organisation; to abide by all mandatory reporting obligations and to treat any information confidentially.

WHO SHOULD REPORT?

All employed or voluntary team members and all others engaged in activity with The Outdoor Education Group.



WHAT DO I REPORT?

Reasonable Belief; Direct Disclosure



WHO DO I REPORT TO?

Course Co-ordinator (or Field Response Duty Manager), directly to the police in the case of sexual disclosure.



WHAT HAPPENS NEXT?

Report provided to the Head of Risk Management who informs the client; child services (and police in the event this cannot be done directly by the incident reporting team member)
The Head will then inform the appropriate Client Manager, Camp Head and ensure that follow up and any update on this incident has been communicated to the person who reported the incident.



FOLLOW UP

In the case that the alleged offender is on the program the Course Co-ordinator (and/or Field Response Duty Manager) will place actions on the ground to remove the offender until further support can be provided to the incident.



Risk Management to follow up with all team member involved with the incident to include debriefing and offer of counselling support if required.

Reportable Conduct Scheme:

The Reportable Conduct Scheme is focused on employee and volunteer conduct within the Outdoor Education Group and how we investigate and respond to suspected child abuse. The scheme aims to improve our organisational responses to suspected child abuse and to identify individuals who pose a risk of harm to children but do not have a criminal record.

The CEO of the organisation ensures that there are systems in place that:

1. Prevent reportable conduct from being committed
2. Enable reportable allegations to be made to the head of the organisation through the OEG Child Safe Officer
3. Enable reportable allegations that involve the head of the organisation to be reported to the Commission.

An allegation of reportable conduct may reveal information about the effectiveness of OEGs systems used to prevent child abuse and respond to allegations of child abuse. This information is used to improve our systems and better protect children.

What types of conduct are reportable?

There are five types of 'reportable conduct' listed in the Child Wellbeing and Safety Act 2005:

1. sexual offences (against, with or in the presence of, a child)
2. sexual misconduct (against, with or in the presence of, a child)
3. physical violence (against, with or in the presence of, a child)
4. behaviour that causes significant emotional or psychological harm
5. significant neglect.

(see 'Definitions' below for a detailed summary of each conduct area listed above)

Responsibilities of the Head of the Organisation:

Whilst the CEO is responsible for ensuring OEG complies with the Reportable Conduct Scheme, the Commission does not expect heads to carry out their responsibilities alone. Heads of organisations can get help from other people within their organisation to fulfil their obligations under the Scheme.

Section 16K of the *Children Wellbeing and Safety Act 2005* requires the head of an organisation to:

Take a preventative approach to keeping children safe	This includes acknowledging children are vulnerable to abuse and taking steps to reduce this risk in their organisation. OEG Child Safe policies are endorsed by the CEO (CEO Letter of Intent) and the organisational Board.
Have systems in place to enable anyone to notify their concern or allegation that conduct in line with reportable conduct may have occurred	Clear lines of communication are identified within the Child Safe policy, along with a field guidance checklist for delivery teams, supported through a Duty Manager call system and identified Child Safe Officer for mandatory reporting and reportable conduct thresholds.
Have systems in place to allow other people to report to the Commission if the reportable allegation concerns the head of the organisation	The identified Child Safe Officer has mandate and ability to report directly to the commission, where the matter meets the mandatory and reportable conduct thresholds.
Have investigation processes clearly defined and developed	The OEG Incident Reporting system along with the investigation template managed by the Child Safe Officer have a clear structure, system and tool for timely reporting and record generation.

Organisations are to initially notify the Commission of a reportable allegation within three business days and update the Commission of progress within 30 calendar days. They must also investigate the reportable allegation and provide the findings of the investigation to the Commission. The Commission will seek the following information at various milestones.

Three business day notification	30 calendar day update	Advice on investigation	Outcomes of investigation	Additional documents
<ul style="list-style-type: none"> • Name of the worker or volunteer • Date of birth • Police report • Organisation contact details • Head of organisation's name • Initial advice on the nature of the allegation 	<ul style="list-style-type: none"> • Details of the allegation • Details of your response to the allegation • Details about any disciplinary or other action proposed • Any written response from the worker or volunteer about the allegation and the proposed disciplinary or other 	<ul style="list-style-type: none"> • Name of investigator • Contact details • As soon as practicable 	<ul style="list-style-type: none"> • Copy of findings and reasons for the findings • Details about any disciplinary or other action proposed • Reasons for taking or not taking action • As soon as practicable 	<ul style="list-style-type: none"> • The Commission may request further documents from the head of the organisation

Background to notifying and reporting allegations of workplace child abuse:

In 1999, the New South Wales (NSW) Reportable Conduct Scheme was established to provide independent oversight by the Ombudsman of the handling of child abuse and neglect allegations against employees. On the 1st July 2017, the Victorian Commission for Children and Young People in response to the Betrayal of Trust Report and recommendations (2013) , along with the ACT Ombudsman, administered new Reportable Conduct Schemes in the related jurisdictions, to oversee how organisations prevent and respond to allegations of child abuse and misconduct by workers and volunteers.

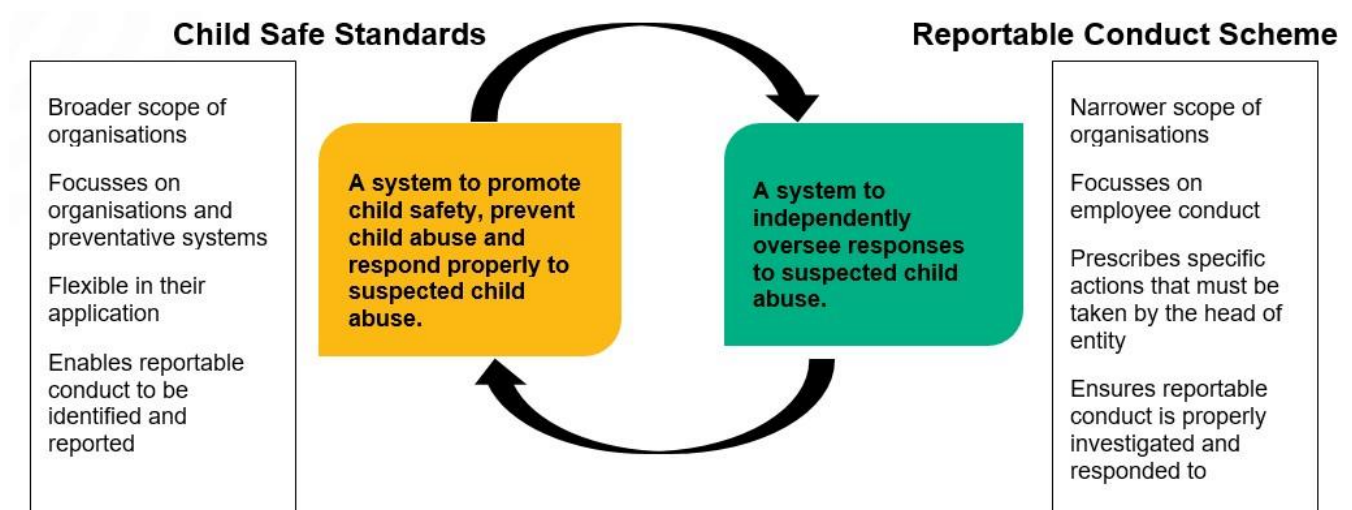
Through 2015-16 The Outdoor Education Group followed developments, through the Victorian response to the changes in legislation and the Child Wellbeing and Safety Act (2015), resulting in the implementation of the Child Safe Policy and Child Safe Code of Conduct, along with training for teams in Child Safe standards reporting thresholds.

How Child Safe Standards and the Reportable Conduct Scheme work together to keep children safe from abuse :

The Betrayal of Trust Report made a range of recommendations, including the need to better protect children from child abuse when they access services provided by organisations.

Child Safe Standards and the Reportable Conduct Scheme create distinct sets of responsibilities for organisations but have been designed to complement one another. Together, Child Safe Standards and the Reportable Conduct Scheme strengthen the capacity of organisations to prevent and respond properly to allegations of child abuse. Table 1 below provides a brief summary.

Table 1:



The Commission for Children and Young People has oversight and regulatory responsibility for both Child Safe Standards and the Reportable Conduct Scheme. <https://ccyp.vic.gov.au/>

The Outdoor education Groups Child Safe and Wellbeing and training material adhere to and ensure that the seven standards and 3 principles of child safety are an integral part of the organisation. (see table 2)

Table 2: Seven Standards and Three Principles of a Child Safe organisation.



<https://ccyp.vic.gov.au/assets/resources/Reportable-Conduct-Guidance/CCYP-Investigation-guide.pdf>

Where to get help: In the event of a need to report, OEGs Child Safe Officer would report to the CEO and contact the Commission for clarification and guidance, and to talk through any issues of concern. Telephone: 8601 5281 Email: childsafestandards@ccyp.vic.gov.au. Further information is also available on the Commission for Children and Young People's website at www.ccyp.vic.gov.au

DEFINITIONS

Circumstances where a person might not report child sexual abuse to police?

A person will not be guilty of the offence if he or she has a reasonable excuse for not disclosing the information. A reasonable excuse includes:

- Fear for Safety
- Where the information has already been disclosed.

Fear for safety:

A reasonable excuse exists in cases where a person has a reasonable fear for their own safety or the safety of another person (such as a child or another family member) and they do not report to police due to those circumstances.

This defence may apply, for example, where a person decides not to disclose information due to fear of direct violence to themselves or the child.

The person's fear must be subjectively reasonable, that is, it must be reasonable from the perspective of that person in those circumstances. This recognises that only the person in question is best placed to judge whether their safety is in danger.

A court or jury would consider whether it was reasonable for the person not to report in these

circumstances.

Where the information has already been disclosed:

It is a reasonable excuse to not disclose where a person believes on reasonable grounds that the information has already been disclosed to police and they have no further information to add.

Under the existing mandatory reporting system, DHS already passes on all allegations of child sexual abuse to police, so it will be a reasonable excuse for not reporting to police if a person has made a report to DHS or reasonably believes a report has been made to DHS (i.e where information has been passed to the client directly i.e teacher present, incident report to school). This ensures that people are not required to make multiple reports to different agencies.

Abuse, neglect and **harm** are generic terms used to describe situations where a child might need protection. Child abuse is an act or omission by an adult, another child or young person that endangers or impairs a child's physical or emotional health and development. (At least 33% of all sex offending against children is committed by another child or young person.) Exposure to domestic violence is also considered a form of child abuse.

The current definition from the Australian Medical Association defines this form of abuse as: *'when children and young people witness or experience the chronic domination, coercion, intimidation and victimisation of one person by another by physical, sexual or emotional means within intimate relationships.'*

Identifying Child Abuse and Neglect

Child abuse can be divided into four categories:

- Physical
- Sexual
- Emotional and
- Neglect

It is important to be aware that the presence of an indicator of harm doesn't necessarily mean that a child is being abused. Conversely, the absence of indicators doesn't necessarily mean that the child is not being abused. What follows is not an exhaustive list.

Physical Abuse

This consists of any serious non-accidental form of injury or harm inflicted on a child. It includes beating, shaking, burning and assault with weapons. Children who are physically harmed may have frequent injuries explained as accidental.

Physical Indicators:

- Bruises or welts, often of different ages
- Burns, scalds, sprains, dislocations, bites, cuts
- Bald patches where hair has been pulled out
- Lacerations or abrasions
- Poisoning

Behavioural Indicators:

- Child wears inappropriate clothing in attempt to cover injuries
- Extreme wariness of adult contact
- Apprehensive when other children cry or shout
- Behavioural extremes, such as aggressiveness/withdrawal
- Fear of parents / caregiver, reluctance to go home
- Poor sleeping patterns, fear of dark, nightmares
- Reports injury by parents or gives inappropriate explanation of injury
- Attaches too readily to strangers
- Frequent absenteeism/prolonged school refusal
- Aggressive behaviour towards others
- Drug or alcohol abuse

Sexual Abuse

Sexual abuse occurs when someone (adult, adolescent or another child) uses their power, force or authority to involve a child/children in sexual activity. It can take the form of contact or non-contact acts such as exposure to pornography, on-line grooming etc.

Sexual abuse is not usually identified through obvious physical indicators. The presence of sexually transmitted diseases, pregnancy, vaginal or anal bleeding or discharge, frequent urinary tract infections can indicate sexual abuse.

In older children and young people, sexual harm is more likely to be identified through self-disclosure by the child to a trusted person, rather than by observing physical indicators. In babies and young children, the physical indicators are observed through a medical examination.

Behavioural Indicators:

- Reports of sexual harm by caregiver

- A fear of home, specific place, particular adult
- Constant complaint of headaches, abdominal pains
- Reluctance to participate in physical or recreational activities
- Sophisticated sexual knowledge beyond what is expected for age and environment
- Unusual level of interest in own or other's genitals, taking into consideration their age and circumstances
- Personality change
- Serious difficulties with peers, adults
- Regression in toilet training, for example: soiling, wetting
- Excessive concerns about privacy
- Refusal to go home or truancy
- Self-destructive behaviour
- Wearing of provocative clothing or layers of clothing to hide injuries

Emotional Harm

Emotional harm occurs when a child is repeatedly rejected or subjected to threats, hostility or persistent coldness. If a young person grows up in this climate, they can develop a negative self-image that impedes development and prevents them from reaching full potential.

They may develop personality or behavioural disorders, or become an adult filled with self-doubt and sinternalised rage, unable to form sustained and intimate relationships.

Physical indicators

- There are few physical indicators of emotional harm.
- Speech disorders
- Delays in physical, emotional or mental development

Behavioural Indicators:

- Behavioural extremes which cannot be explained by other circumstances
- Extremely low self-esteem
- Compliant, passive, withdrawn, tearful, apathetic
- Aggressive, demanding
- Depression
- Constant high anxiety
- Poor social and interpersonal skills

- Delayed development, for example in speech
- Persistent habit disorders, such as sucking, biting, washing, rocking
- Unexplained academic delays

Neglect

Neglect includes all instances where a caregiver has failed to take adequate precautions to ensure the child's safety and provide food, clothing and shelter for the child.

Many cases of neglect require a welfare and family support response, rather than a protective response. However, in cases where neglect has resulted in physical injury, emotional harm or health impairment, it may be considered as abuse.

Physical Indicators:

- Consistent hunger
- Failure to thrive or malnutrition
- Poor hygiene that can result in health problems and/or ostracism by peers
- Inappropriate dress for the climatic conditions
- Consistently without adequate supervision and at risk of injury or harm
- Unattended health problems or medical needs
- Abandonment
- Health or dietary practice which endangers a child's health or development

Behavioural Indicators:

- Stealing food
- Extended stays at school
- Constant fatigue, listlessness, or falling asleep in class
- Delinquent acts: vandalism, alcohol or drug abuse
- Little positive interaction with parent/caregiver
- Prolonged absenteeism or school refusal
- Aggressive or inappropriate behaviour
- Isolation from their peer group

What are sexual offences under the Reportable Conduct Scheme?

In Victoria, it is an offence to engage in certain sexual behaviours against, with or in front of, a child. Many of these behaviours are reportable conduct under the Reportable Conduct Scheme. This

includes:

1. sexual assault
2. indecent acts
3. possession of child abuse material
4. 'grooming' a child in order to commit a sexual offence.

A full list of the relevant sexual offences is set out in clause 1 of Schedule 1 to the Sentencing Act 1991. A worker or volunteer does not need to be charged with, or found guilty of, a sexual offence for their behaviour to be reportable conduct.

What is sexual misconduct?

'Sexual misconduct' captures a broader range of inappropriate behaviours of a sexual nature that are not necessarily criminal.

Sexual misconduct refers to conduct that:

1. amounts to misconduct
2. is of a sexual nature, and
3. occurred against, with, or in the presence of, a child.

What is physical violence?

Physical violence committed against, with or in the presence of a child can fall into two categories. Physical violence can be either:

Actual physical violence – a worker or volunteer intentionally or recklessly uses physical force against, with, or in the presence of a child without a lawful reason, which has the ability to cause injury or harm to the child. Actual physical violence can include hitting, punching, kicking, pushing or throwing something that strikes a child or another person.

Apprehended physical violence – a worker or volunteer intentionally or recklessly engages in conduct or behaviour against, with, or in the presence of a child that is capable of causing a child to think that physical force is about to be used against them or another person. This could include words, gestures or actions that cause a child to believe physical force is about to be used against them, regardless of whether or not the worker or volunteer actually intended that any physical force would be applied.

What is behaviour that causes emotional or psychological harm to a child?

You should consider each allegation carefully, keeping in mind the context in which the behaviour occurred and the child's circumstances.

To be reportable under this category:

1. the allegation must concern the worker's or volunteer's behaviour
2. there must be a clear link between the worker's or volunteer's alleged behaviour and the harm suffered by the child
3. the harm must be significant.

Identifying the behaviour

A child can be significantly emotionally or psychologically harmed by behaviour, such as sexual offences, sexual misconduct, physical violence and significant neglect. However, other types of behaviours can also cause significant emotional and psychological harm to a child, for example, severe or sustained instances of:

1. verbal abuse
2. coercive or manipulative behaviour
3. hostility towards, or rejection of, a child
4. humiliation, belittling or scapegoating.

There must be a clear link between the behaviour and the harm

There must be a clear link between the alleged behaviour and the emotional or psychological harm. In deciding whether there is a clear link, it may be helpful to consider the likelihood that the child would have been harmed if the alleged behaviour had not occurred.

Emotional or psychological harm may also be caused where an existing mental health disorder, such as anxiety or depression, has been exacerbated.

A child may display physical or behavioural signs that suggest they may have experienced behaviour that has caused them significant emotional or psychological harm. These signs may include:

- suicidal action, suicidal ideation or self-harm
- patterns of out-of-character, self-destructive, antisocial, or anxious behaviour
- ongoing sleep disturbance, nightmares or bedwetting
- regression in behaviour.

The harm must be 'significant'

Allegations that are reportable under this category must concern significant emotional or psychological harm. To be considered significant under the scheme, the alleged harm must be more than *trivial or temporary*.

A professional psychological or medical assessment of the child may assist to determine whether they have suffered significant emotional or psychological harm. However, a clinical diagnosis will not be required in every case, for example where:

- the alleged behaviour is so serious and/or occurred over such a sustained period, that it can be reasonably inferred that the child has been harmed, or
- assessment may unreasonably re-traumatise or otherwise further harm the child.

Exceptions

An allegation will not be reportable if:

1. the worker or volunteer has taken reasonable steps to protect a child from immediate harm
2. the worker or volunteer has responsibility for discipline and has taken lawful and reasonable disciplinary action, such as sending a child to sit in 'time out' for a period of time, in line with organisational policy
3. the worker or volunteer is an appropriately qualified worker or volunteer who has given medical treatment in good faith, such as a senior first aid officer administering first aid.

What is significant neglect?

Significant neglect occurs when there is a significant, deliberate or reckless failure to meet the basic needs of a child in circumstances where the adult understood the needs of the child, or could have understood those needs if they had turned their mind to the question, and had the opportunity to meet those needs but failed to do so. Examples of different types of neglect could include:

Supervisory neglect: This may occur when a person responsible for the care of a child is unable or unwilling to exercise adequate supervision or control of the child or young person, or fails to seek or comply with appropriate medical treatment.

Physical neglect: This may occur where there is the failure to meet a child's physical needs including the provision of adequate and appropriate food, clothing, shelter or physical hygiene needs.

Educational neglect: This may occur when there is a failure to ensure that a child's formal education needs are being met.

Emotional neglect: This may occur where there is a failure to provide adequate nurturing, affection encouragement and support to a child.

'Significant' neglect: Neglect will be significant where there has been a deliberate or reckless omission or omissions that separately or together have had, or could have, considerable force or effect on the safety or wellbeing of the child who is the victim of the neglect

REQUIREMENTS

Refer to Child Safety Code of Conduct and Incident Reporting Thresholds

RESOURCES

<https://ccyp.vic.gov.au/reportable-conduct-scheme/>

<https://dhs.sa.gov.au/services/community-and-family-services/child-safe-environments/lodging-a-child-safe-environments-compliance-statement>

<https://ama.com.au/sites/default/files/documents/ChildSafeEnvironFS1.pdf>

<https://ccyp.vic.gov.au/reportable-conduct-scheme/for-organisations/#TOC-1>

Betrayal of Trust' Factsheet on SharePoint – People & Culture Department

Children and Young Persons Act 1989

It happened to me: Survivors of Child Sexual Abuse Speak Out: Dept of Human Services

You and Your Child: For Parents of Children Who Have been Sexually Abused: Dept of Human Services

Protecting Children (Protocol b/n Child Protection, DHS and Victorian Schools) 2001: Dept of Human Services

Child Physical Abuse: Understanding and Responding: Dept of Human Services

Child Sexual Abuse: Understanding and Responding: Dept of Human Services

Child Abuse and Neglect: The Teacher's Response: Dept of Human Services (Health and Community Services)

Safe from Harm Guidelines 2001: Dept of Human Services

Appendix 1: The Outdoor Education Group Child Safety Code of Conduct

APPENDIX 1

Appendix 1: The Outdoor Education Group Child Safety Code of Conduct

As part of The Outdoor Education Groups commitment to Child Safety and in recognition as a Child Safe Organisation the following Code of Conduct has been developed to guide and inform all interactions with the young people we work with and support.

The Child Safe Standards Nationally, require organisations that provide services for children to have a code of conduct that establishes clear expectations for appropriate behaviour with children. A code of conduct can help you enforce appropriate behaviour with children in your work and to help protect children from abuse.

It is the sole responsibility of every employee and volunteer who works with The Outdoor Education Group to ensure that this Code of Conduct is applied to all working practices and interactions with any child on our programs. As an employee you are also directly responsible for reporting and communicating to Team Leaders where you see incidents of this code not being adhered to, or where you have reasonable belief that the welfare or safety of a child may be at risk.

Our organisational culture aims for all Team member and volunteers to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. Our primary commitment in all instances at the core of our organisation is the safety and wellbeing of the young people we work with and support to learn and grow.

TITLE: Child Safe & Wellbeing

Policy POL0086

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