

Child Safety Procedure

1.0 Purpose

The purpose of this procedure is to define the roles and responsibilities of Bendigo Kangan Institute (BKI) staff in protecting the safety and wellbeing of children and young people and to enable staff to:

- identify indicators that a child or young person may be in need of protection.
- make a report about a child or young person who may be in need of protection.
- comply with reporting obligations under child protection law and criminal law and fulfil their duty of care.

2.0 Scope

This procedure ensures that all BKI staff understand their role and obligations regarding protection of a child or young person, and ensures that the staff member making a report is provided with support throughout the process.

All staff at BKI have a duty of care to support and protect the children and young people with whom they are professionally involved. When a staff member forms a reasonable belief that a child or young person, under 18 years of age, has been harmed or is at risk of harm, they are legally bound to take action to protect the safety and wellbeing of that child or young person.

3.0 Policy Reference

Employee Code of Conduct

Critical Incident Management Procedure

Working with Children Check Procedure

Working with Children Act 2005 (the Act)

Child Wellbeing and Safety Act 2005

Commission for Children and Young People Act 2012

Crimes (Amendment) Protection of Children Act 2014

Children, Youth and Families Act 2005

4.0 Procedural Steps

No.	Phases and steps	Name of role who actions
4.1	Form a belief or suspicion of child abuse	
4.1.1	If any BKI staff member forms a reasonable belief or suspicion that a child is being abused or is at risk of being abused they must act, even if they are unsure or cannot confirm the abuse.	All BKI Staff
4.1.2	All BKI staff should follow this procedure in each and all cases of suspected, disclosed or incidents of child abuse, or risk of child abuse.	All BKI Staff

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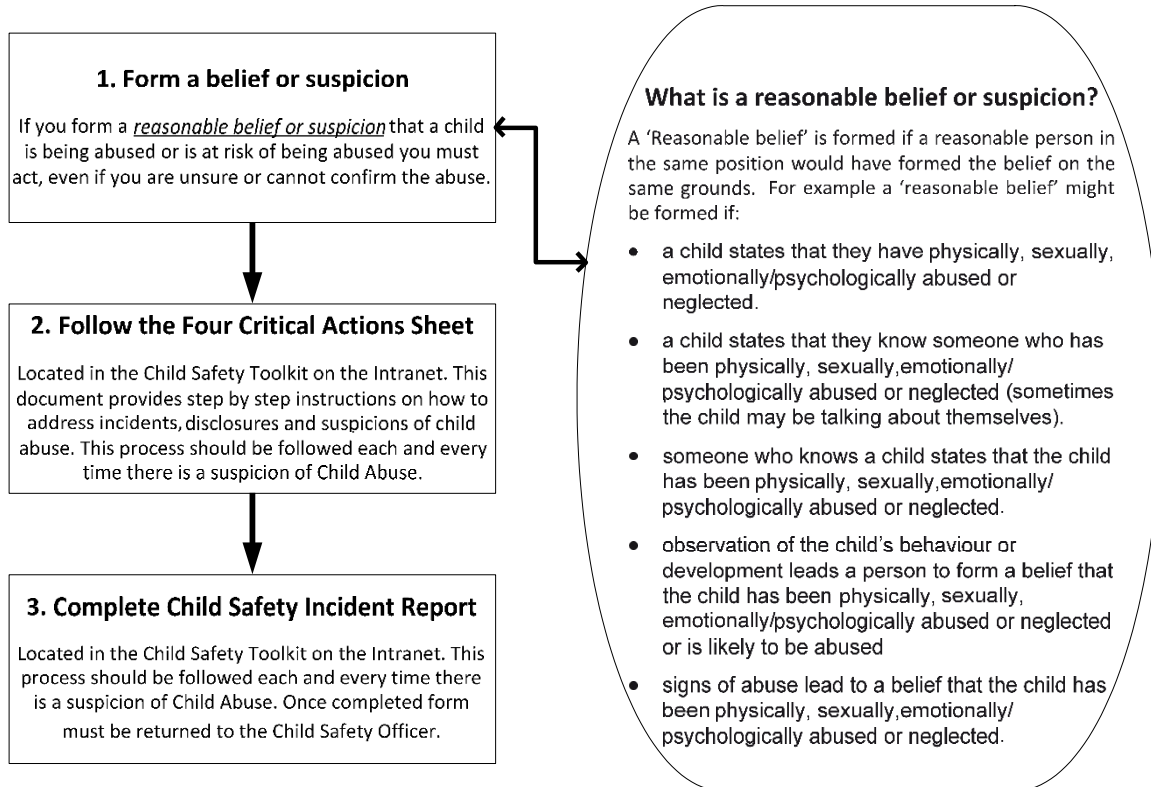
No.	Phases and steps	Name of role who actions
	This includes physical abuse, sexual abuse, emotional/psychological abuse and neglect. All forms of abuse against a child or young person under 18 years of age must be reported to authorities.	
4.2	Follow the <i>Four Critical Actions</i>	
4.2.1	If a BKI staff member becomes aware of a risk to child or young person's safety they must act to address issues of Child Safety as quickly as possible. If a child or young person is in immediate danger staff should contact 000 (triple zero) .	All BKI Staff
4.2.2	Staff must immediately follow the four steps outlined in the Child Safety: Four Critical Actions for Responding to Incidents, Disclosures and Suspicions of Child Abuse (Four Critical Actions), which can be found in the Child Safety Toolkit on the intranet. This process must be completed as soon as possible when an incident occurs, preferably the same day.	All BKI Staff
4.2.3	As part of this process staff will need to contact the BKI Child Safety Officer.	All BKI Staff, Child Safety Officer
4.2.4	The Child Safety Officer can assist staff to complete the Four Critical Actions, but the staff member with concerns has a duty of care and must complete the Four Critical Actions and make a report to relevant authorities (as listed in Four Critical Actions) themselves. The Child Safety Officer can assist with this process if required, but cannot make the report on another person's behalf.	All BKI Staff, Child Safety Officer
4.2.5	Failure to comply with these reporting requirements may result in criminal charges under the <i>Failure to Disclose Offence</i> and/or performance management.	All BKI Staff
4.3	Complete the <i>Child Safety Incident Report</i>	
4.3.1	Staff must also complete the <i>Child Safety Incident Report</i> , which can be found in the <i>Child Safety Toolkit</i> on the intranet. This form can be used to assist staff in gathering all the relevant information needed to make a report to authorities.	All BKI Staff
4.3.2	Staff must complete and action this report in all instances of suspected, disclosed or incidents of child abuse, or risk of child abuse, and where staff are contacted by authorities (Child Protection, Police) investigating child abuse.	All BKI Staff
4.3.3	When completed, this report must be submitted to the BKI Child Safety Officer for follow up and record keeping.	All BKI Staff, Child Safety Officer

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No.	Phases and steps	Name of role who actions
4.4	Recordkeeping	
4.4.1	All records relating to child abuse, or risk of child abuse must be securely stored for a minimum of 45 years, or for as long as they are reasonably likely to be needed, whichever is greater.	Child Safety Officer
4.5	Reportable Conduct	
4.5.1	<p>Reportable conduct includes allegations against staff, contractors or volunteers of child abuse and misconduct involving children. This can be an act committed against a child, with a child or in the presence of a child.</p> <p>This includes allegations of:</p> <ul style="list-style-type: none"> sexual offences committed against, with or in the presence of a child sexual misconduct committed against, with or in the presence of a child physical violence against, with or in the presence of a child any behaviour that causes significant emotional or psychological harm to a child significant neglect of a child. 	All BKI Staff
4.5.2	Allegations of child abuse, or risk of child abuse made against any BKI staff member must be reported to the Child Safety Officer as soon as possible.	All BKI Staff, Child Safety Officer
4.5.3	The Child Safety Office will then notify the Chief Executive Officer (CEO).	Child Safety Officer, CEO
4.5.4	The CEO must report all criminal matters to Police.	CEO
4.5.5	In addition, the CEO is required to comply with the <i>Reportable Conduct Scheme</i> as set out by the <i>Commission for Children and Young People</i> and must ensure appropriate investigation of the allegation is carried out in a timely manner and findings are provided to the Commission.	CEO
4.5.6	Failure to comply with these reporting requirements may result in criminal charges under the <i>Failure to Disclose Offence</i> and/or the <i>Failure to Protect Offence</i> .	All BKI staff, CEO
4.6	Regular Child Safety Training	
4.6.1	At the commencement of employment with BKI, all BKI staff are required to undertake mandatory <i>Child Safety Training</i> as part of the induction process.	All BKI Staff
4.6.2	Refresher training must be completed every 12 months for the length of employment with BKI.	All BKI Staff

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5.0 Procedural Flowchart



6.0 Roles and Responsibilities

Role	Responsibilities
CEO	Ensure organisational culture of child safety is maintained. Comply with <i>Reportable Conduct Scheme</i> as set out by the <i>Commission for Children and Young People</i> . Report all incidents involving the criminal actions of a BKI staff member to police. Provide a quarterly report to the Board regarding all Child Safety matters and updates.
Executive Directors	Oversee the mandatory reporting and child safety procedure is communicated and followed. Ensure organisational culture of child safety is maintained.
Education Managers	Ensure that the mandatory reporting and child safety procedure is communicated and followed for their portfolio area. Ensure organisational culture of child safety is maintained. Ensure all staff within the portfolio complete induction and refresher training on Child Safety.
Manager, Student Engagement and Retention	Oversee the mandatory reporting and child safety process across BKI. Prepare and provide monthly reports to the Senior Management team regarding Child Safety matters and updates. Prepare and provide quarterly reports to the CEO regarding all Child Safety matters and updates.

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Role	Responsibilities
BKI Staff	Follow the process for mandatory reporting and child safety, by reporting concerns. Ensure organisational culture of child safety is maintained. Complete Child Safety induction and refresher training.

7.0 Definitions

Word/Term	Definition
BKI Staff Member	Anyone employed by BKI, including casual and sessional staff, and all volunteers and contractors.
Child or Young Person	Anyone under the age of 18 years.
Suspected Child Abuse	Is a belief on reasonable grounds that a child is in need of protection on a ground referred to in Sections 162(c) or 162(d) of the Children, Youth and Families Act, formed in the course of practising his or her office, position or employment. This includes suspicions of any of the recognised abuse types, i.e. physical abuse, emotional abuse, sexual abuse and neglect.
Child Protection	Is a Victorian Government agency, provided by the Department of Health and Human Services (DHHS) that protects children at risk of significant harm.
Reasonable belief or a 'Belief on Reasonable Grounds	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: <ul style="list-style-type: none"> a child states that they have been physically, sexually, emotionally/psychologically abused or neglected. a child states that they know someone who has been physically, sexually, emotionally/psychologically abused or neglected (sometimes the child may be talking about themselves). someone who knows a child states that the child has been physically, sexually, emotionally/psychologically abused or neglected. observations of the child's behaviour or development leads a person to form a belief that the child has been physically, sexually, emotionally/psychologically abused or neglected, or is likely to be abused. signs of abuse lead to a belief that the child has been physically, sexually, emotionally/psychologically abused or neglected.
Mandatory Reporter	All BKI staff who believe on reasonable grounds that a child or young person is in need of protection from physical abuse, emotional abuse, sexual abuse and neglect, must report their concerns to Department of Health and Human Services (DHHS) Child Protection. In cases where staff have concerns about a child or young person, they should also discuss their concerns with the BKI Child Safety Officer.

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Word/Term	Definition
Duty of Care	<p>All BKI staff have a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care they should take immediate action.</p> <p>In the case of a child who may be in need of protection or where there are concerns about the wellbeing of a child, BKI staff can discharge this duty of care by following the <i>Four Critical Actions for Responding to Incident, Disclosures and Suspicion of Child Abuse</i>.</p>
Failure to Protect Offence	<p>Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child- related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.</p> <p>The offence applies only to adults in a position of authority within an organisation, including CEOs, executive directors and other senior managers.</p>
Failure to Disclose	<p>Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.</p> <p>The offence applies to all adults in Victoria, not just professionals who work with children.</p>
Reportable Conduct Scheme	<p>Reportable conduct includes allegations against workers or volunteers of child abuse and misconduct involving children. This can be an act commit against a child, with a child or in the presence of a child.</p> <p>This includes allegations of:</p> <ul style="list-style-type: none"> • sexual offences committed against, with or in the presence of a child • sexual misconduct committed against, with or in the presence of a child • physical violence against, with or in the presence of a child • any behaviour that causes significant emotional or psychological harm to a child • significant neglect of a child. <p>If the person in a relevant position of authority (including the CEO, executive directors and other senior managers) in the organisation becomes aware of an allegation of reportable conduct involving a worker or volunteer, he or she will need to report certain information to the Commission for Children and Young People and ensure appropriate investigation of the allegation. At the conclusion of the investigation, any findings and reasons for the outcome of an investigation must be reported to the Commission for Children and Young People.</p>

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Word/Term	Definition
	The reportable conduct scheme will not interfere with reporting obligations to Police or with Police investigations. Criminal conduct still needs to be reported to Police as a priority.

8.0 Related Documents and Records Management

Title	Doc. ID.	Location
Child Safety Policy	N/A	BKI Policies and Procedures Staff Portal
Four Critical Actions for Responding to Incident, Disclosures and Suspicion of Child Abuse	N/A	BKI Intranet / Child Safe Toolkit site
Child Safety Incident Report	N/A	BKI Intranet / Child Safe Toolkit site

9.0 Version Control and Change History

Ver.	Approved By	Approval Date	Issue Date	Summary of Changes	Next Review Date
1.0	Board of Studies	28/08/2019	28/08/2019	New and updated procedure incorporating the former Mandatory Reporting of Suspected Child Abuse	28/02/2023

10.0 Bendigo Kangan Institute Policy and Procedure Portal Requirements

Category	Key Words
Procedure	Child Safety