

POLICY STATEMENT

Melba Support Services (Melba) is committed to promoting and protecting the safety and wellbeing of children and young people. This is embedded in our organisational leadership, governance and culture and will be the primary focus of our service delivery and decision making. Melba has a zero tolerance for child abuse and is steadfast to protecting children and young people from harm, abuse, neglect and exploitation in any form by providing and maintaining the safest environment possible for all children and young people involved in Melba services.

All children and young people, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background have equal rights to protection from abuse. It is recognised that the effects of exploitation and abuse to children and young people is devastating and long term. All stakeholders at Melba have a responsibility to ensure not only the physical and emotional wellbeing of children and young people but to also ensure they are empowered and free to express their individual cultural differences in a safe and respectful environment. This particularly applies to children of Aboriginal and Torres Strait Islander heritage, children from linguistically and culturally diverse backgrounds, children with a disability and LGBTIQ+ children and young people.

Melba is committed to fostering and upholding the key principles of a child safe environment and culture; a place where children and young people are respected, protected, empowered and active in their own protection, and where staff are skilled, confident and competent, and well supported in meeting their protection responsibilities. This is done through:

- the implementation of this Children and Young Persons Safety and Wellbeing Policy and a Children & Young Persons Safety Procedure to identify, prevent and respond to risks of child abuse;
- ensuring that child safety is a key focus of Melba's overall risk management framework;
- consistently robust and thorough recruitment processes, safety screening and training for all Melba staff and volunteers;
- articulating clear expectations for appropriate behaviour with children and young people in Melba's code of conduct;
- promoting and protecting the best interests and rights of children and young people at all times and in all positions, decisions and actions. This includes promoting the participation and empowerment of children, young people and their families in all decisions that affect them, to ask questions and raise concerns, to provide accessible copies of key documentation such as policies and procedures;
- clear and accessible reporting pathways for children and young people; and
- embedding a zero-tolerance approach to all forms of abuse, harm, neglect and/or violence, and creating a culture of openness that supports all persons to safely disclose risks and allegations of harm to people (including children and young people) supported by Melba.

Every person working at Melba has a vital responsibility for the support and protection of children and young people in receipt of services from Melba and reporting information about suspected child abuse or harm. Where there are reasonable grounds to believe that a child or young person is at risk, Child Protection and all staff at Melba have a shared responsibility to the Melba community.

This Children and Young Person's Safety Policy is widely displayed, circulated and promoted, including via:

- Melba's website;

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- Melba’s Operating System;
- plain language and Easy Read accessible versions of Melba’s Person Supported Handbook; and
- Melba’s Induction for new staff and volunteers and ongoing refresher training for existing staff and volunteers.

SCOPE

This policy applies to all Melba stakeholders, including permanent and temporary staff, agency staff, casuals, contractors, students and persons working in a voluntary capacity (for the purpose of this policy referred to as staff), and to all children and young people supported.

PURPOSE

The purpose of this policy is to outline Melba’s commitment to prioritise the safety and wellbeing of children and young people by embedding and applying best child safe practices throughout all levels of the organisation

While the protection of all people supported by Melba is deeply entrenched in the values and philosophies of the organisation, this policy highlights the specific vulnerabilities of children and young people and the need for a comprehensive and holistic approach to ensure their ongoing wellbeing and safety.

Everyone working at Melba or acting on behalf of Melba is responsible for the care and protection of children and young people and reporting information about abuse. Any breach of this policy by a Melba employee or an employee acting on behalf of Melba may be seen variously as:

- serious misconduct
- a criminal offence.

LEGISLATIVE AND POLICY CONTEXT

- *The United Nations Convention on the Rights of the Child (UNCRC):*
The UNCRC underpins the principles, policies and practices that inform Melba’s approach to child safety. The Convention is the foundation for child protection globally and recognises children’s rights as human rights. Article 19 states, “Parties shall protect the child from all forms of physical or mental violence, injury or abuse, neglect, maltreatment or exploitation including sexual abuse.
- *Royal Commission into Institutional Responses to Child Sexual Abuse:*
In 2017, the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) tabled both general and specific recommendations for institutions that provide care and support to children. A range of legislative changes were recommended following the conclusion of the Royal Commission. As a result, several states and territories have implemented or are in the early stages of implementing legislative reform to better reflect the recommendations of the Royal Commission.
- *National Principles for a Child Safe Organisation and Victorian Child Safe Standards:*
Following the conclusion of the Royal Commission, the National Principles for Child Safe (National Principles) were tabled, and on February 19, 2019, the Council of Australian Governments (COAG) endorsed these principles with a view for future national consistency in relation to child safety standards. The 10 principles provide a framework for ensuring organisations can detect and respond to child safety concerns and more effectively prevent risk from occurring. Melba is committed to upholding these principles, as well as the 11 Victorian Child Safe Standards (outlined in Appendices of this policy) and developing and maintaining a child safe culture.

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UNDERSTANDING CHILD ABUSE AND NEGLECT

Child Abuse and neglect describe an act(s) or omission which endangers a child's health, wellbeing and/or development. This can be a single event or a series of traumatic events and is rarely limited to one form of harm. Child abuse, and neglect can be perpetrated by parents, caregivers, other adults, and/or other children and young people. Where sexual abuse is perpetrated by children or young people, it is usually referred to as, 'sexually harmful behaviour'.

- *Physical Abuse*

Physical abuse or injury may consist of any non-accidental form of injury or serious physical harm inflicted on a child by any person. Physical injury and significant harm to a child may also result from the failure of a parent, carer, or guardian to adequately ensure the safety of a child by exposing the child to extremely dangerous or life-threatening situations. Examples of physical abuse may include:

- Beating, shaking or burning;
- Assault with implements;
- Fabricated illness syndrome; or
- Female genital mutilation.

- *Emotional or Psychological Abuse*

Emotional abuse occurs when a child's parent, caregiver or any other adult repeatedly rejects the child or uses threats to frighten the child. This may involve children:

- Being repeatedly rejected, called names, or being put down;
- Being frightened by threats;
- solitary confinement and isolation; or
- Experiencing continual coldness to the extent that it significantly damages their physical, social, intellectual, or emotional development.

- *Neglect*

Neglect is the failure to provide for the child's basic needs for life, either deliberately or through carelessness or negligence, to the extent that the child's health and development are, or are likely to be, placed at risk. It can relate to:

- Food;
- Clothing;
- Shelter;
- Medical attention; or
- Supervision and care.

- *Sexual Abuse*

Sexual abuse occurs when a person uses power, force, or authority to involve a child in any form of sexual activity. Behaviour that sex offenders engage in may include:

- Touching or fondling children;
- Sending obscene or suggestive phone calls/texts to children;
- Exhibitionism and or voyeurism in front of children;
- Exposing children to pornographic images; or
- Penetration with penis, finger or other object into the mouth, anus, or vagina.

- *Grooming*

Grooming is predatory behaviour designed to prepare a child for sexual abuse. Many perpetrators of sexual offences against children purposefully create relationships with children and young

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people, their families, and carers in order to establish the conditions necessary for them to abuse the child. For example:

- Spending special time with a child e.g., in private settings, away from their family or organisation, including online;
- Isolating the child or young person from family and peers;
- Giving gifts to a child;
- Showing favouritism;
- Allowing the child to step out of boundaries or rules; or
- Touching the child.

- *Exposure to Family Violence*

Family violence is behaviour by a person towards a family member that is:

- Physically or sexually abusive;
- Emotionally (psychologically) abusive;
- Coercive or in any way controls or dominates that family member and causes that family member to fear for their safety or wellbeing, or for that of another family member;
- Causes a child to hear, witness or otherwise be exposed to the effects of the behaviour referred to above; or
- Exposes a child to family violence which includes seeing, hearing, or experiencing violence in a number of ways.

- *Sexually Harmful Behaviour*

Refers to harmful behaviour perpetrated by one child to another child. Harmful behaviours in children are often an indicator that they have experienced harm or neglect. Where sexually harmful behaviour occurs, organisations have a duty of care to both children. Note that in children under 10 years of age, such behaviour is usually referred to as sexually problematic behaviour.

- *Multi-dimensional Harm*

Occurs where multiple abuse types are experienced at the same time e.g., sexual abuse also involves physical and emotional abuse.

- *Cumulative Harm*

Cumulative harm refers to the effects of multiple adverse or harmful circumstances or events in a child's life. Cumulative harm may be caused by an accumulation of a single recurring adverse circumstance (such as unrelenting low-level care); or by multiple circumstances or events (such as persistent verbal harm and denigration, inconsistent or harsh discipline and /or exposure to family violence).

MELBA'S APPROACH TO CHILD SAFETY

- *Recruitment Selection and Screening*

Melba's commitment to embedding and upholding the principles of child safety within the organisation, in accordance with The National Principles for a Child Safe Organisation and the Victorian Child Safe Standards, is reflected and evident in all recruitment and selection activities. Melba's *Recruitment Policy* sets out the consistently robust recruitment and selection process for all Melba staff, volunteers and leaders and outlines the focus on child safety at every stage of engagement.

- *Code of Conduct*

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Melba’s *Code of Conduct Policy* helps to ensure that the children and young people associated with our service are safe. It clearly outlines the expected standard of behaviour for all staff and volunteers in their interaction with or in the presence of children and young people. The Code helps ensure that all of our staff and volunteers are aware of the behaviours that support child safety, as well as those that are not acceptable.

Melba’s Code of Conduct is shared with the children and young people, families, and affiliates that we work with to ensure they are aware of and can help facilitate the behavioural and environmental standards that we expect our staff and volunteers to maintain.

- *Education and Support*

Melba is committed to ensuring that all our staff and volunteers are equipped with the skills and knowledge to promote the rights of children and young people, understand the responsibilities and boundaries of their roles, and respond to any child safety concerns. Melba’s *Training Matrix* sets out the training staff and volunteers undertake to ensure their competency.

- *Complaints Handling*

Melba strives to build a child safe culture where all staff and volunteers, children and young people, and their families feel able to raise child safety concerns. Complaints and feedback processes are accessible, responsive, and communicated in formats that meet a diverse range of needs. Melba works to put in place mechanisms to ensure that all concerns are taken seriously, responded to promptly and thoroughly, and that reporting obligations are met. As outlined in Melba’s *Complaints, Compliments and Feedback Policy*, complaints can be made to Melba about:

- Any aspect of the supports and services Melba provides;
- Any practice, policy or procedure;
- Staff behaviour or conduct; or
- Any decision made about service changes, supervision and support of people purchasing services, or child safety concerns.

Melba upholds accountability to a range of legislative standards including mandatory reporting and certain criminal offences related to reporting. Regardless of legislative standards, Melba takes the position that all staff and volunteers have a moral and ethical obligation to report all child safety concerns.

- *Responding to Incidents, Concerns and Allegations*

Melba’s reporting procedures ‘*Responding to and reporting allegations of Violence, Abuse, Neglect and Exploitation Procedure*’ and ‘*Children and Young Person Safety Procedure*’ outlines the roles and responsibilities of staff and volunteers in meeting their obligations to protect the safety and wellbeing of the whole Melba community, including children and young people. It describes the types of complaints or concerning behaviours that require reporting, which include:

- Suspicion or beliefs that children are at risk of harm
- Inadequate supervision levels
- Inappropriate relationships developing between children or vulnerable adults and staff/volunteers
- Observations of concerning changes in behaviour
- Disclosures of abuse or harm which must be reported to external authorities; and
- Any other suspected or actual breach of the *Children and Young Persons Safety and Wellbeing Policy*, *Code of Conduct*, legislation or related policy or practice relevant to the safety and wellbeing of children and young people and vulnerable adults.

All child safety concerns should be reported immediately to the relevant line manager, General Manager, or Child Safety Officer (Melba’s General Manager Practice & Safeguards/Senior

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Practitioner). All observations, information and consultations should be documented in accordance with Departmental guidelines.

Any person who believes on *reasonable grounds* that a child has suffered harm or is at risk of harm within their family unit must also immediately report these concerns to the relevant line manager, General Manager, or Child Safety Officer (Melba's General Manager Practice & Safeguards/Senior Practitioner) who is responsible for reporting to Child Protection. Please note, belief on '*reasonable grounds*' is formed if a reasonable person in the same position would have formed the belief with the same information/observations.

If the issue or incident is a criminal offence (e.g., suspected sexual or physical abuse) the incident must also be reported to the police on 000.

IMPORTANT: If a child is in immediate danger, any staff or volunteer must call 000

- *Historical Abuse*

In all circumstances where historical abuse allegations are made which pertain to Melba, the organisation will co-operate fully with the relevant authorities and their respective investigations. Melba will also review its current policies and procedures in light of the findings of historical abuse investigations, to determine if there is learning that may strengthen protective approaches.

- *Supporting Complaints and Reports*

Melba recognises that where a complaint or report is made, we have a role in supporting the child or young person who is the subject of the complaint or report. This support may include:

- Referring the child, young person or their family to external services; and
- Ensuring that children, young people and their families have access to support services.

We will also ensure support is available for staff, contractors or volunteers who report suspected abuse of a child or young person.

- *Empowerment and participation of children and young people*

All children and young people have the right to be heard and respected. Melba is committed to ensure the children and young people who engage with Melba are informed and given opportunities to provide their views on our services. Melba works to regularly engage children and young people in evaluating our services; and provides information on how to make a complaint or give positive feedback.

- *Informed families*

Melba recognises that informed families who are aware of our child safety processes and requirements for our organisation are central to developing a child safe culture. We work hard to ensure families have access to our child safety materials, including this policy and Code of Conduct, as well as providing accessible feedback and complaints avenues. Input from parents and carers, children and young people on our child safety approach is always welcome.

- *Managing Child Safety Risks*

Risk management means identifying the potential for an incident, abuse, harm, or accident to occur and taking steps to reduce the likelihood or severity of its occurrence. Implementing risk management processes that actively anticipate, respond to, and prevent child safety risks is paramount in our practice.

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Monitoring and reviewing risks regularly (including after incidents, near misses or complaints) is vital to ensuring the ongoing learning and improvement. We are committed to reviewing any systemic issues which may be contributing or hindering the organisation from being safe.

Melba is committed to ensuring that online environments are safe and utilise a risk management approach. Online platforms have allowed for an additional mode of communication between staff and volunteers, and children and young people. Clear guidelines and procedures for managing online interactions are outlined in Melba's 'Code of Conduct'

- *Continuous Improvement:*

Melba is committed to regular review and continuous improvement in our approach to child safety across our operations and practice. We are aware that our child safe journey will be long term and are open to ongoing learning and improvement.

When reviewing our approach to child safety, including key documents, we seek the input of staff, and volunteers working with children and young people. Feedback from children and young people and their families is obtained through Melba's stakeholder engagement program.

Any incidents, near misses or complaints are reviewed to assess strengths and required improvements across our service.

- *Children and Young Persons Safety Policy Review*

Melba evaluates and reviews this policy annually. The review considers feedback from employees, volunteers, families, and children and young people. Melba is committed to reviewing the Child Safety Policy following a reportable incident. Changes may also be made to the Policy following key legislative change or emerging best practice standards. Any changes to the Child Safety Policy will be presented to the Board for ratification.

DEFINITIONS

Child - any person under the age of eighteen.

Child abuse – all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial or other exploitation of a child, and includes any actions that results in actual or potential harm to a child. This policy recognises that risks to child safety includes any action or inaction that results in emotional, developmental, financial or physical damage to a person under 18 years of age. This policy also includes actions or inactions that restrict or undermine the way in which culture is expressed by a person under the age of 18.

Child protection – the measures and structures to prevent and respond to abuse, neglect, exploitation and violence affecting children.

Child Safe- refers to organisational environment that has an open and aware culture, understands child abuse, is supported by robust child safe policies, promotes the empowerment and participation of children, identifies and manages child safety risks, and expects all stakeholders to report any allegations, disclosures or concerns for the safety and wellbeing of children. A child safe environment ensures that children and young people are culturally safe.

Child Safety Officer - a person in an organisation who has detailed knowledge of child safety issues and is a point of contact for others (including children, parents, staff and volunteers) who are seeking

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advice or support regarding the safety and wellbeing of children associated with Melba or want to report an allegation of abuse. Melba's appointed child safety officer is the General Manager Practice and Safeguards/Senior Practitioner.

Cultural Safety - Promotes the positive recognition and celebration of cultures. It is more than just the absence of racism or discrimination, and more than cultural awareness and cultural sensitivity. A culturally safe environment is socially and emotionally safe, as well as physically safe for children. It is underpinned by shared respect, shared meaning, shared knowledge, and experience, and living and working together with dignity and truly listening

Disclosure - Refers to a child telling someone (through words, drawings, or actions) that he or she feels unsafe or has been harmed.

Harm – the result of the exploitation, violence, abuse and neglect of children and can take many forms, including impacts on children's physical, emotional and behavioural development, their general health, their family and social relationships, their self-esteem, their educational attainment and aspirations.

Mandated Reporter - Any adult who is legally required to ensure a report has been made when a concern, allegation and /or disclosure of child harm arises. A mandatory reporter may be a person who holds a particular occupation **OR** falls under state/territory specific legislation.

Reasonable Belief - 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. A 'reasonable belief' might be formed when:

- a child states that they have been harmed
- a child states they know someone who has been harmed (sometimes they may be talking about themselves)
- someone who knows a child state they have been harmed
- professional observations of the child's behaviour or development leads a person to form a belief that the child has been harmed; or
- signs of harm lead to a belief that the child has been harmed.

Risk of Harm - A child or young person is at risk of harm if they have suffered harm, or there is a likelihood they will suffer harm being of a kind against which ordinarily they should have been protected

Stakeholders – Any person who comes into contact with Melba, its programs and services. This may include contractors, consultants or anyone who works in any other capacity for Melba. It may also include other organisations Melba interacts with as well as service user families and advocates.

Violence – the intentional use of physical force or power, threatened or actual, against a child, by an individual or group, that either results in or has a high likelihood of resulting in actual or potential harm to the child's health, survival, development, or dignity.





REFERENCES

- Child, Youth and Families Act 2005 (Vic)*
- Child Wellbeing and Safety Amendment Act 2015 (Vic)*
- Crimes Act 1958 (Vic)*
- Legislated Child Safe Standards (Vic)*

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Wrongs Amendment (Organisational Child Abuse) Act 2016 (Vic)
Working with Children Amendment Act 2016 (Vic)
Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic)

	Related Policies	Zero Tolerance Policy Human Rights Policy Code of Conduct Policy Recruitment Policy Risk Management Policy Protected Disclosure (Whistleblowing) Policy Incident-Reporting Supported Persons Policy Complaints, Compliments and Feedback Policy Positive Behaviour Support and Restrictive Interventions Policy
	Related Procedures:	Children & Young Persons Safety Procedure Risk Management Procedure Recruitment Procedure- DSEA Recruitment, Pre-employment and Safety Screening Responding to and Reporting Allegations of Violence, Abuse, Neglect and Exploitation Procedure Protected Disclosure (Whistleblowing) Procedure Incident Reporting – Supported Persons Procedure Complaints, Compliments and Feedback Procedure Safety Screening Procedure
	Related Supporting Documents or Tools:	Person Supported Handbook Human Rights Checklist Melba Employee Handbook NDIS National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018
	Relevant Standard/s	Victorian Child Safe Standards National Disability Insurance Scheme Act 2013 National Disability Insurance Scheme (Quality Indicators for NDIS Practice Standards) Guidelines 2018

APPENDICES

Appendix 1 – Victorian Child Safe Standards

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.

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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.

Appendix 2 – National Principles for a Child Safe Organisation



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