

CHILD SAFETY POLICY

SECTION 1 - BACKGROUND AND PURPOSE

(1) This Policy sets out the University's approach and commitment to creating a child safe organisation which is in alignment with the Child Safe Standards and the Reportable Conduct Scheme introduced under the Child Wellbeing and Safety Act 2005.

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SECTION 2 - SCOPE

(2) This Policy applies to all members of the University community including:

- a. Employees (includes casual employees);
- b. Students;
- c. Contractors; and
- d. Volunteers.

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SECTION 3 - POLICY STATEMENT

(3) The University is committed to the safety and wellbeing of children and young people (under the age of 18) and has zero tolerance towards child abuse.

(4) The University promotes diversity and tolerance in cultural safety, participation and empowerment of Aboriginal children, children from culturally and/or linguistically diverse backgrounds and ensures that children with a disability are given the opportunity to participate equally.

(5) The University complies the legal obligations in reporting allegations of child abuse and alerting the appropriate authorities if there is a reasonable belief a child is in need of protection.

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SECTION 4 - PROCEDURES

Part A - Maintaining a Child-Safe Environment

(6) All members of the University have a duty of care to take reasonable steps to protect children from the risks of abuse.

(7) Unless otherwise provided for in the Working with Children Policy, the University will not engage anyone within the scope of this policy, either employee or non-employee, unless they apply for and obtain a valid, positive Working with Children Check (WWCC) prior to commencing at the University. For full details please refer to the Working with Children Policy.

(8) The University has appointed the Risk and Compliance Advisor as a Child Safety Officer to promote awareness of Child Safety across the University, be the first point of contact for members who have concerns about a child or young person within the University and to provide advice and support with mandatory reporting requirements.

(9) Relevant organisational units are required to establish and maintain risk management strategies to identify, assess and minimise child abuse risk, including risks posed by physical and online environments. Assurance and Risk provides support as required.

(10) Deans of School and business unit managers will ensure that all employees, contractors and volunteers within their unit hold a current Working with Children Check and will maintain a record of such WWCC and training requirements for all employees and non-employees. Only volunteers can hold a current volunteer WWCC.

(11) Researchers will advise their Dean when their research involves working with children and must ensure:

- a. that research involving children is conducted in compliance with the Australian Code for the Responsible Conduct of Research (2018) and National Statement on Ethical Conduct in Human Research, in particular the chapter Children and Young People;
- b. will obtain clearances for working with children and complete Child Safety Training as may be required by this Policy and/or the University's Recruitment Policy.

(12) Students undertaking clinical placements, teacher education placements or any other University activity that involves regular contact with children must hold current and valid volunteer Working with Children Check, complete the Child Safe training and comply with any code of conduct relevant to their placement or activity as required by the placement provider, before working with children.

(13) Employees, students or volunteers in contact with children in off-campus University activities must hold valid WWCC as required by this Policy and/or the University's Recruitment Policy.

(14) Where it is found that a child's safety is jeopardised, the University may bring disciplinary action against an employee or student, in accordance with the University Collective Agreement (for employees), the General Misconduct Statute 2009 (for students).

Part B - Child Safety Training

(15) The University expects all employees, students, contractors and volunteers to meet the standards of behaviour in its Code of Conduct and in the Child Safety Code of Conduct.

(16) All employees, students, contractors and volunteers have a responsibility to report:

- a. any breaches of the Child Safety Code of Conduct;
- b. any concerns about child safety to the University's Child Safety Officer.

(17) Employees are required to complete online Child Safety Training. Contractors, students and volunteers will complete an induction training on child safety and protection, as required.

(18) Business Unit Managers, Senior Managers in Schools, Clinic Managers, Child Care Centre Manager and Third Party provider of activities involving children will ensure that all relevant employees, students, contractors and volunteers hold a current and valid WWCC, complete the Child Safety Training and agree to the Child Safety Code of Conduct and will keep record of such.

Part C - Mandatory Reporting

(19) Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 must report that information to Victoria Police without delay on 000. It is a criminal offence to fail to disclose that information to Victoria Police.

(20) If a child is at immediate risk of abuse or danger Victoria Police should be contacted without delay on 000 with subsequent notification to the University's Child Safety Officer via compliance@latrobe.edu.au.

(21) All employees and all other individuals engaged by the University are required to notify the University's Child Safety Officer via compliance@latrobe.edu.au immediately (defined as soon as reasonably practicable, within a period of 24 hours or if after hours, the next business day) after forming a reasonable belief that a member of the University has engaged in reportable conduct. All reports must be kept confidential and only provided to the Child Safety Officer. This is the case even if:

- a. that person does not have direct contact with children; and/or
- b. the conduct occurred outside of their work or other form of engagement with the University.

(22) Reportable allegations may also be made by persons external to the University, in the manner described above.

Part D - Obligations of the Head of the University

(23) Following receipt of a reportable allegation, the University Vice-Chancellor (or their appointed delegate) undertakes to:

- a. Manage any immediate risks to children, which for allegations of suspected criminal misconduct, will involve reporting to Victoria Police;
- b. Ensure the Commission for Children and Young People (the Commission) is notified within 3 business days of becoming aware of the reportable allegation;
- c. Initiate an investigation into the reportable allegation (subject to police clearance on criminal matters); and inform the Commission the details of the person undertaking the investigation;
- d. Provide the Commission (within the prescribed period of 30 calendar days) detailed information about the reportable allegation and any action taken or proposed by the University;
- e. Notify the Commission of the investigation findings and any disciplinary action the University has taken (or the reasons no action was taken).

Part E - Reportable Allegation Investigation

(24) Allegations of suspected criminal offences will be reported to Victoria Police as the first priority.

(25) The University will work with Victoria Police and the Commission to ensure that any internal workplace investigation, aimed at gathering and examining information to establish and make findings in relation to the reportable allegation of child abuse against an employee or other person engaged by the University, does not interfere with police investigations.

(26) The Child Safety Officer will initiate and coordinate the investigation into the reportable allegation with assistance from Legal Services and relevant business units directly involved with the reportable allegation. Where the reportable allegation has been referred to the Victoria Police, investigation will not commence until clearance has been received from Victoria Police or the Commission.

(27) Legal Services will, where required, appoint an external investigator as an independent person to:

- a. clarify the allegations;
- b. investigate the allegations;
- c. provide findings of fact in relation to the allegations, based on the balance of probabilities; and
- d. provide advice as to whether the behaviour found substantiated amounted to reportable conduct as defined by the Child Wellbeing and Safety Act 2005.

(28) Any investigation initiated by the University, may include recommendations about what disciplinary or other action should be taken (if any).

(29) Investigation findings including any disciplinary action the University has taken (or the reasons no action was taken) will be communicated to the Commission.

(30) In circumstances where the University is unable to investigate or otherwise engage an independent person or body to investigate a reportable allegation, the University will work with the Commission, to the greatest extent possible, to support the Commission's independent oversight and investigation into this matter.

Part F - Procedural Fairness

(31) Determinations made with respect to a reportable allegation are required to be made on the balance of probabilities, following principles of procedural fairness.

(32) In response to a reportable allegation, the University undertakes to notify the subject of the reportable allegation of details of any adverse information that is credible, relevant and significant and provide a reasonable opportunity for the subject to respond to that information. This notification does not need to be at the time the Commission is notified.

(33) Any person that is the subject of an allegation may choose (but is not obliged) during the course of an investigation, to give information or documents that support their version of events; or prove/disprove any fact or issue being investigated.

(34) In circumstances where other allegations or concerns are identified the additional information will be considered by the external investigator and may add or change the nature and or scope of the allegation.

(35) Interviews with witnesses, organisational management, other employees, the subject and/or victim of the allegation may be undertaken by: the Victoria Police; the University; an independent external investigator engaged by the University; the Commission or other regulator; with expert opinion or advice (such as from a specialist medical practitioner or legal counsel) obtained during a workplace investigation, as deemed required.

(36) The University recognises reportable allegation investigations can be stressful and demanding on all involved and is committed to the welfare and support of employees and volunteers, with particular focus on any children who may be victim of alleged reportable allegation. Access to the University's Employment Assistance Service or other counselling services will be made available, as required, in support of persons making a Reportable Conduct report.

Part G - Privacy

(37) The University is committed to maintaining confidentiality when dealing with and reporting on all allegations of child abuse, neglect and exploitation, except as required by law.

(38) All communication and personal information considered or recorded will be protected and will respect the privacy of the individuals involved, whether they be employees, volunteers, parents or children, unless there is a risk to someone's safety. Refer to the [Privacy - Personal Information Policy](#) for further information.

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SECTION 5 - DEFINITIONS

(39) For the purpose of this Policy and Procedure:

- a. Child: means a person who is under the age of 18.
- b. Child abuse: means any act committed against a child involving:
 - i. physical violence (including threats of physical violence);
 - ii. sexual offence;
 - iii. serious emotional or psychological abuse; or
 - iv. significant neglect.
- c. Child exploitation and abuse: means one or more of the following:
 - i. committing or coercing another person to commit an act or acts of abuse against a child;
 - ii. possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material;
 - iii. committing or coercing another person to commit an act or acts of grooming or online grooming.
- d. Grooming: is when a person engages in predatory conduct to prepare a child or young person for sexual activity at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer.
- e. Reasonable belief: means a belief based on facts that would lead a reasonable person to think that reportable conduct may have occurred. A reasonable belief is more than suspicion. There must be some objective basis for the belief, however, it does not require certainty. For example, a person is likely to have a reasonable belief if they:
 - i. observed the conduct themselves
 - ii. heard from a child that the conduct occurred
 - iii. received information from another source (including another person who witnessed the reportable conduct or misconduct).
 - iv. Reportable allegation means any information that leads to a person forming a reasonable belief that a member of the University has committed reportable conduct or misconduct that may involve reportable conduct, regardless if the conduct or misconduct occurred within the course of the persons employment/engagement or within or outside the University.

- f. Reportable conduct means:
- i. sexual offences (against, with or in the presence of, a child);
 - ii. sexual misconduct (against, with or in the presence of, a child);
 - iii. physical violence (against, with or in the presence of, a child);
 - iv. behaviour that causes significant emotional or psychological harm; or
 - v. significant neglect.

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SECTION 6 - RESOURCES AND ENQUIRIES

Intranet: [Child Safe Standards and Reportable Conduct Scheme](#)

Email: compliance@latrobe.edu.au