

GOV-023 Child Protection Policy and Procedures

Applies to:	All Workers as defined in this Policy
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Introduction

People with Disability Australia (PWDA) is committed to building and maintaining an organisational culture that upholds the safety, welfare, and wellbeing of children.

PWDA is committed to ensuring the emotional and physical safety and welfare of children at all times during their involvement with PWDA both through PWDA's service delivery and engagement with children.

The Child Safe Standards, as recommended by the **Royal Commission into Institutional Responses to Child Sexual Abuse**, along with the **NSW Child Safe Standards** are designed to guide child safe practice and ongoing improvements to child safety in organisations in Australia.

One of those Standards requires that child organisations have policies and procedures in place to document how the organisation is child safe. PWDA has developed and adopted this Policy and is committed to the implementation of and adherence to this Policy, and the safety of children.

This Policy does not replace PWDA's legal obligations.

This Policy relates to PWDA's service delivery and engagement with children.

This Policy applies to all workers of PWDA who undertake work for PWDA, parents/carers involved in dealing with PWDA and all participants of any PWDA programs involving children both directly and indirectly.

Workers in NSW are mandatory reporters under legislation. However, PWDA expects all workers in all jurisdictions to follow this policy and act as mandatory reporters to report known or suspected cases of abuse and neglect to authorities. Together, we share the responsibility to speak up and report any concerns or suspicions of child abuse or harm.

This Policy will be communicated to every person to whom it applies and will be made accessible to all interested stakeholders through PWDA's website.

Any procedure or annexure referenced within this Policy should be considered as part of the Policy and must be followed to ensure correct and consistent application of the Policy.

Implementation of this Policy – Commitment to Child Safety Guiding Principles

PWDA is committed to understanding and meeting the needs of all children and will:

- maintain a framework for minimising the risk of harm to children during the involvement of PWDA
- clearly define the responsibilities of PWDA workers who are involved in dealing with children
- educate our workers about PWDA's and their child safe obligations
- set out the procedure for reporting and handling allegations of harm or suspected harm to children in an appropriate manner, and any conduct or other issue that is inconsistent with maintaining a child safe environment
- maintain an effective recruitment, screening, and selection process for potential workers at PWDA
- identify areas where we might improve our practices to address risks to children
- actively involve children in decision-making that affects them
- provide a range of ways for children and their parents or other carers to provide feedback, make complaints, or raise concerns
- maintain physical and online environments that minimise the opportunity for child abuse to occur
- ensure that our child-related services and practices are inclusive and meet the needs of diverse groups.

Summary of Roles and Responsibilities

PWDA, its Board and workers, have specific legislative obligations with respect to child safety, and play a special role in building and maintaining a standard across PWDA and our wider community that respects and protects children.

Everyone at PWDA:

- has shared responsibility for preventing, detecting, and reporting child abuse
- must be aware of and comply with legislative obligations with respect to child safety; and

- must follow this **Child Protection Policy and Procedure**.

Board:

- has ultimate responsibility for preventing and detecting child abuse
- makes sure there are appropriate and effective internal systems, with policies and procedures in place
- manages reports of child abuse that relate to the CEO or a Board Director
- is also responsible for any strategic actions regarding child protection situations.

CEO:

- provides leadership and accountability for an effective child safe workplace environment and culture
- demonstrates the standards for acceptable behaviours and practice
- makes sure reports of child abuse are managed and investigated appropriately
- ensures everyone at PWDA is aware of relevant laws, policies and procedures and this **Child Protection Policy and Procedures** – including their obligation to promptly report any known or suspected cases of abuse and neglect to authorities
- supports everyone at PWDA to undertake their child protection responsibilities
- reports to the Board on child protection measures, incidents and allegations including on progress and outcomes
- reports to the Board on any actions taken to improve child protection at PWDA, and any strategic recommendations.

Director of People and Culture:

- makes sure all appropriate governance mechanisms are followed and monitored regularly
- keeps secure records of all breaches of this policy and all allegations and incidences of child abuse
- reports to the CEO on child protection measures, incidents and allegations including progress and outcomes

- provides support, guidance, and training (including in induction) to all workers at PWDA
- ensures risk assessment processes, utilising risk screening tools, identify and manage risks to children and that risk assessments are repeated as renewals are required
- oversees the preparation of job descriptions and recruitment processes to ensure that requirements around child safety are documented and that potential workers are screened for this purpose
- providing advice and support for Board and worker training on child safety
- ensuring WWCC's are current and numbers are verified online prior to issuing employment contracts or initiating onboarding processes.

Leaders:

- promote child safety and educate workers about preventing and detecting child abuse
- demonstrate understanding and commitment to children's rights and child safe practices within PWDA
- assesses, manages, and minimises risk of child abuse as much as possible within their area of control and responsibility – they should be familiar with the types of abuse that might occur and be alert for any signs of abuse
- support workers to assess and report inappropriate behaviour or suspected abusive activities using relevant government tools.

Manager Governance and Compliance:

- is guided by this Policy when developing, designing, and managing other policies and procedures to ensure they promote children's rights and include relevant child safety considerations.

Workers:

- support PWDA's commitment to promote safety, well-being, and positive outcomes for children
- maintain their Working with Children Check (WWCC) clearances
- understand the requirements of this Policy
- apply this Policy in all aspects of their role.

Risk Management

PWDA has a responsibility when working with children to keep them safe from harm and abuse. To fulfil this responsibility, workers must understand how to identify and respond to potential risks to children.

PWDA fosters a culture where workers feel empowered to identify and report complaints or concerns of harm to children.

PWDA undertakes child safety risk assessments to minimise the risk of harm and inform the development of all our related policies and programs.

To make sure we maintain a child safe culture, all workers will be informed, resourced, and supported to understand their role in providing a child safe environment and empowered to raise concerns where they identify areas of likely risk.

Recruitment, Induction and Training

PWDA is diligent when recruiting, selecting, and screening all workers to make sure they are suitable to work at PWDA.

PWDA uses the following procedures to make sure we carry out the proper recruitment and screening regarding child protection:

1. **Job advertisements:** all job advertisements state the requirement to undergo background checks including a National Police Check and Working with Children Check.
2. **Reference checks:** 2 reference checks are conducted on each candidate prior to sending them a written employment offer.
3. **National Police Check:** all PWDA workers must undergo a National Police Check prior to their commencement, then every 2 years during employment. Working for PWDA depends on PWDA being satisfied that the person's National Police Check shows that they are suitable to work, represent or engage with PWDA.
4. **Working with Children Check:** all PWDA workers must undergo a Working with Children Check verification prior to their commencement. Working with Children Checks must be renewed before their expiry date in line with the

relevant state legislation. Failure to do so can result in being stood down until such time as the Working with Children Check is renewed and can be verified by People and Culture.

PWDA has systems in place to ensure that WWCC are held by new workers and to track their currency and expiry.

PWDA will ensure that all workers are informed of and understand PWDA's commitment to child safety and their child safety obligations at induction.

PWDA will require all workers to complete child safety training during induction and will run refresher training each year.

All workers at PWDA are required to read and acknowledge their understanding of this Policy when they commence with PWDA.

Child-focused Participation, Feedback and Complaints

PWDA welcomes feedback from parents, carers, and children about their participation in PWDA programs.

Children, parents, and carers may make a complaint, allegation, disclosure, or suspicion regarding concerns for child safety, including the treatment or suspected treatment, of a child involved in PWDA programs. This may include concerns that PWDA has not taken reasonable steps to prevent or reduce a risk to child safety.

PWDA parents and carers should raise these concerns with the CEO in the first instance. If it is not appropriate for the matter to be disclosed to the CEO, it can be escalated to the President or the PWDA Board.

Monitoring Compliance

PWDA will monitor compliance with this Policy by:

- a. appointing the CEO of PWDA to oversee this Policy and its implementation
- b. conducting investigations into any incidents which are reported to it or of which it becomes aware which are alleged, or which may constitute breaches of the Policy and also into whether the incident was dealt with in accordance with this Policy

- c. conducting an annual review of all incidents, and determining whether there are any patterns to those incidents and then reviewing the Policy as required in light of any findings
- d. disseminating information on any updates and amendments to the Policy as considered necessary
- e. providing training on the Policy to all persons covered by this Policy.

Privacy

PWDA maintains a Privacy Policy which clearly defines the circumstance in which any information it maintains may be used.

PWDA recognises the sensitive nature of reporting and responding to harm and therefore, will protect, as far as practicable, any information retaining to notifiers, victims, and alleged offenders.

PWDA may share information with the other appropriate authorities as required by law.

Breaches of this Policy

A breach of this Policy by a worker may constitute serious misconduct and may result in disciplinary action up to and including termination of their employment, engagement, or appointment at PWDA.

Volunteers, people undertaking work experience and workers who provide services under a contract to PWDA who fail to comply with this Policy may have their engagement with PWDA terminated.

All breaches and suspected breaches of this Policy or related policies must be reported to the CEO as soon as reasonably practicable.

It should be noted that a failure to act on child safety issues within an organisation exposes workers and PWDA to legal liability under state child safety laws and regulations.

Policy Review

This Policy is issued by the PWDA Board.

To drive continuous improvement, PWDA will review this policy regularly, in consultation with children, families and communities of PWDA.

The PWDA Board will review and amend this Policy as required by law, or at its own discretion, to ensure continuous alignment with regulatory standards, and to address and minimise risk across all PWDA activities.

This Policy will be communicated in the following ways:

- publicly available on our website and internally in Employment Hero and OnBoard
- included in induction processes for new workers and Board Directors and refresher training for existing workers
- hard copy made available upon request.

Related Documents

Principal Legislation

- **ACT:** Children and Young People Act 2008
- **NSW:** Children and Young Persons (Care and Protection) Act 1998
- **NT:** Care and Protection of Children Act 2007
- **QLD:** Child Protection Act 1999
- **SA:** Children and Young People (Safety) Act 2017
- **TAS:** Children, Young Persons and Their Families Act 1997
- **VIC:** Children, Youth and Families Act 2005
- **WA:** Children and Community Services Act 2004 Privacy Act 1988.

PWDA Policies

- Privacy Policy
- Employee Code of Conduct and Values
- Grievance Policy and Procedure
- Preventing Sexual Exploitation, Abuse and Harassment
- Whistleblower Policy and Procedure
- Information Security Policy
- Technology Code of Conduct
- Ethical Communications Decision-making Policy.

Schedule 1 – Responding and Reporting Procedure

To ensure that PWDA can respond in the best interests of the child when complaints or concerns relating to harm are raising, all workers must:

- understand how to identify signs of harm
- understand their legal obligations in relation to reporting harm that constitutes Reportable Conduct (refer to Appendix 1 – Definitions)
- follow the below procedure for responding to complaints or concerns relating to harm.

At PWDA, we recognise the diversity of children and their families with which we work and take into account their individual needs and backgrounds when considering and responding to child safety incidents and concerns.

1. Taking immediate action

If a worker witnesses an incident of harm, or reasonably believes, or suspects an incident of harm has occurred, or receives a disclosure of allegation(s) that a child has been, or is at risk of being abused they must:

- **if the child is at immediate risk of harm**, call 000 for urgent medical or police assistance where required and administer first aid if required and safe to do so (appropriate to their level of training)
- **if a worker is uncertain about whether an incident, disclosure, allegation, or suspicion gives rise to a concern about harm**, always err on the side of caution and report the concern to the CEO and Director of People and Culture
- **notify the CEO and Director of People and Culture**, who will then notify relevant management including the Board as soon as possible.
- **complete an Incident Report Form** (Schedule 2), which is then to be forwarded to the CEO as soon as possible and within 24 hours – this form may be submitted anonymously.

The CEO is responsible for ensuring that PWDA follows the steps in these procedures.

2. Reporting to authorities and referring to services

Once all immediate health and safety concerns are addressed, the relevant PWDA worker must make a report if they form a belief, on reasonable grounds, that a child is in need of protection from physical abuse or sexual abuse or other form of harm.

The relevant PWDA worker may initially make the report to the CEO, as above.

The CEO must take steps to ensure all relevant information is reported to the relevant authority, the Police and/or relevant services where required (also refer to the **Principal Legislation** section in the Policy above):

- ACT: [Child and Youth Protection Services](#)
- NSW: [Department of Communities and Justice](#)
- NT: [Department of Territory Families, Housing and Communities](#)
- QLD: [Department of Child Safety, Seniors and Disability Services](#)
- SA: [Department for Child Protection](#)
- TAS: [Department for Education, Children and Young People](#)
- VIC: [Department of Families, Fairness and Housing](#)
- WA: [Department of Communities](#)
- overseas, to relevant child protection agencies/ police or other law enforcement agencies consistent with the laws of that country in which the report of abuse occurred.

3. Investigation

PWDA will carry out internal investigations using a confidential, thorough, impartial, and prompt process.

The Director of People and Culture and CEO will manage the investigation process.

While an investigation is being conducted, a worker subject to an investigation may be stood down and will be prevented from carrying out duties that involve contact (direct or indirect) with children or other vulnerable people.

4. Contacting parents or carers

The CEO must ensure parents and/or carers are notified of the report unless advised otherwise by the relevant authority, or there are other safety and wellbeing concerns in relation to the parents/carers.

5. Ongoing protection and support

The CEO and the Board must ensure appropriate steps are taken to protect the affected child and other children from any continued risk of harm.

These steps must be taken in consultation with any relevant external agency such as the relevant government department or the police. Ongoing protection will also include further reports to authorities if new information comes to light or further incidents occur.

Appropriate, culturally sensitive, and ongoing support must be offered and provided to all affected children. Ongoing support will be based on any available advice from relevant government department, parents and carers, health practitioners and other authorities and may include referral to wellbeing professionals and development of a safety plan.

6. Recordkeeping

PWDA will ensure that:

- detailed notes of the incident, disclosure, allegation, and/or suspicion are taken using PWDA's Incident Report Form template; and
- all notes and other records relating to the incident, disclosure, allegation, and/or suspicion, including PWDA's immediate and ongoing actions, are stored securely on a confidential and secure drive that only relevant workers and the CEO can access.

7. PWDA Reporting Obligations

As a recipient of funding from various government departments, PWDA is required to submit an **Annual Child Safe Statement of Compliance** to the Department of Social Services. Failure to do so may result in funding being withheld, termination of agreements, or could impact future applications for funding.

After a suspicion or disclosure of child abuse or exploitation has been reported internally to PWDA, the CEO or the Director of People and Culture must advise the contract managers of PWDA's government funders.

Schedule 2 – Incident Report Form

Your name:	
Name of organisation:	
Your role:	
Contact information (you): Address: Postcode: Telephone numbers: Email address:	
Child's name:	
Child's date of birth:	
Does the child have a disability?	
Child's gender:	
Child's spoken language:	
Parent's / carer's name(s):	
Contact information (parents/carers): Address: Postcode: Telephone numbers: Email address:	
Have parent's / carer's been notify of this incident?	☐ Yes ☐ No If YES, please provide details of what was said/action agreed.
Are you reporting your own concerns or responding to concerns raised by someone else:	
If responding to concerns raised by someone else: Their name:	

Position of person or relationship to the child: Telephone numbers: Email address:	
Date and times of incident:	
Location / address of incident:	
Details of the incident or concerns: Include other relevant information, such as description of any injuries and whether you are recording this incident as fact, opinion, or hearsay.	
Is the child still in danger?	
Is there any known previous history of suspected abuse?	
Child's account of the incident:	
Please provide details of the person alleged to be involved: Name: Address: Postcode: Date of birth: Gender: Relationship to child: Position: Telephone number: Email address:	
Please provide details of any witnesses to the incident:	

Name: Position or relationship to the child: Date of birth (if child): Address: Postcode: Telephone number: Email address:	
Please provide details of action taken to date:	
Are local police aware of the incident or allegation?	
Has the incident been reported to any external agencies?	☐ Yes ☐ No If YES, please provide further details:
Name of external organisation / agency: Contact person: Telephone numbers: Email address:	
Agreed action or advice given:	

Print Name:	
Your Signature:	
Date:	

Appendix A: Definitions

Board: means the individuals that sit on PWDA's Board of Directors as constituted from time to time.

CEO: means the Chief Executive Officer of PWDA and in the event the CEO is absent or unable to act, CEO in this Policy will read as reference to the Acting CEO or the CEO's delegate of PWDA.

Child or children: means a person under the age of 18 years of age.

Child abuse: means any behaviour that causes, is causing or is likely to cause any detrimental effect to a child's physical, psychological, or emotional wellbeing, whether through a single act, omission or circumstance, or series or combination of these, and includes:

- physical abuse
- emotional abuse
- sexual abuse
- neglect
- family and domestic violence.

Child exploitation: one of more of the following:

- committing or coercing another person to commit an act or acts of abuse against a child
- possessing, controlling, producing, distributing, obtaining, or transmitting child exploitation material
- committing or coercing another person to commit an act or acts of grooming or online grooming
- using a minor for profit, labour, sexual gratification, or some other form of personal or financial advantage.

Complaint: is interpreted broadly and can include expressions of dissatisfaction about PWDA related to its services or dealings with an individual; allegations about the conduct of its workers and other individuals engaged by PWDA or another child at an organization; or the handling of a prior concern.

Emotional abuse: means a parent or caregiver's inappropriate conduct toward a child or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Emotional or psychological abuse can occur when a child is repeatedly rejected, isolated, or frightened by threats. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health.

Family and domestic violence: includes behaviour by a person towards a family member of that person if that behaviour is:

- physically or sexually abusive
- emotionally or psychologically abusive
- economically abusive
- threatening
- coercive
- in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or
- behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to above.

Harm: in this Policy means actions (or attempted action) which constitute (or may constitute) child abuse, emotional abuse, family and domestic violence, neglect, physical abuse, sexual abuse and other criminal offences against a child or harm to a child.

Mandatory reporter: refers to designated roles that have a legal obligation to report known or suspected child abuse and neglect to child protection authorities. At PWDA everyone is considered to be a mandatory reporter.

Neglect: is the persistent or deliberate failure or denial by a parent or caregiver to meet a child's basic needs. Child neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention, or supervision to the extent that the child's health and development is or is likely to be

harmed. Types of neglect include physical, medical, emotional, and educational neglect and abandonment.

Physical abuse: is any non-accidental infliction of physical violence on a child by any person. This includes physical force which may cause injury intentionally or inadvertently because of physical punishment or the aggressive treatment of a child. Physically abusive behaviour includes, but is not limited to:

- shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking, strangling, and poisoning; and
- harmful training methods or overtraining where there is the potential to result in damage to a child's physical development.

Policy: means this Child Protection Policy document including the procedure, schedules, and appendices to this document.

Reportable conduct: is an allegation that a worker has engaged in conduct that may be reportable conduct. A reportable conviction means a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct. The **Children's Guardian Act 2019** defines reportable conduct as:

- a sexual offence
- sexual misconduct
- ill-treatment of a child
- neglect of a child
- an assault against a child
- an offence under s 43B (failure to protect) or s 316A (failure to report) of the **Crimes Act 1900**; and
- behaviour that causes significant emotional or psychological harm to a child.

Sexual abuse: is when an adult or person in authority over a child to involve them in sexual activity. This includes but not limited to; sexual touching any part of the body, preparing or encouraging a child to engage in sexual activity, sex of any kind with a child, persuading or forcing a child to engage in sexual activity and sexual acts done by an adult of any gender, to a child of any gender. It can include a wide range of sexual activity. Sexual offences are governed by state or territory criminal laws.

Working with Children Check: is a screening process for assessing or re-assessing people who work with or care for children in NSW. The WWCC involves a national criminal history check and a review of findings of workplace misconduct. (Workers outside NSW must hold and maintain any equivalent screening, registration, or clearance required by the relevant state or territory legislation.)

Workers: for the purpose of this policy, includes PWDA permanent, fixed-term, and casual employees, Board of Directors, interns, volunteers, students or any person or organisation that is contracted to conduct activities on behalf of PWDA, represents PWDA publicly, or visits PWDA programs at the invitation of PWDA. This may include but is not limited to contractors, subcontractors, consultants, National Ambassadors, Young Ambassadors, media personnel, and donors visiting PWDA.

Appendix B: Child Safe Standards

Standard	Core components
1. Child safety is embedded in leadership, governance, and culture	• The organisation publicly commits to child safety and leaders champion a child safe culture. • Child safety is a shared responsibility at all levels of the organisation. • Risk management strategies focus on preventing, identifying and mitigating risks to children. • Workers comply with a code of conduct that sets clear behavioural standards towards children. • Workers understand their obligations on information sharing and record keeping.
2. Children participate in decisions affecting them and are taken seriously	• Children are able to express their views and are provided opportunities to participate in decisions that affect their lives. • The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and less isolated. • Children can access abuse prevention programs and information. • Workers are attuned to signs of harm and facilitate child friendly ways for children to communicate and raise their concerns.
3. Families and communities are informed and involved	• Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child. • The organisation engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible. • Families and communities have a say in the organisation's policies and practices.

	Families and communities are informed about the organisation's operations and governance.
4. Equity is upheld, and diverse needs are taken into account	- The organisation actively anticipates children's diverse circumstances and responds effectively to those with additional vulnerabilities. - All children have access to information, support, and complaints processes. - The organisation pays particular attention to the needs of Aboriginal and Torres Strait Islander children, Children with disability, and children from culturally and linguistically diverse backgrounds.
5. People working with Children are suitable and supported	- Recruitment, including advertising and screening, emphasises child safety. - Relevant workers have WWCCs. - All workers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations. - Supervision and people management have a child safety focus.
6. Processes to respond to complaints of Child Abuse are Child-focused	- The organisation has a child-focused complaint-handling system that is understood by children, workers, and families. - The organisation has an effective complaint-handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report. - Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met.
7. Workers are equipped with the knowledge, skills, and	Relevant workers receive training on the nature and indicators of child maltreatment, particularly organisational child abuse.

awareness to keep Children safe through continual education and training	- Workers receive training on the organisation's child safe practices and child protection. - Relevant workers are supported to develop practical skills in protecting children and responding to disclosures.
8. Physical and online environments minimise the opportunity for abuse to occur	- Risks in the online and physical environments are identified and mitigated without compromising a child's right to privacy and healthy development. - The online environment is used in accordance with the organisation's code of conduct and relevant policies.
9. Implementation of the NSW Child Safe Standards is continuously reviewed and improved	- The organisation regularly reviews and improves child safe practices. - The organisation analyses complaints to identify causes and systemic failures to inform continuous improvement.
10. Policies and procedures document how the organisation is child safe	- Policies and procedures address all NSW Child Safe Standards. - Policies and procedures are accessible and easy to understand. - Best practice models and stakeholder consultation inform the development of policies and procedures. - Leaders champion and model compliance with policies and procedures. - Workers understand and implement related policies and procedures.