

Friends of the Melton Botanic Garden

Child Safe Policy

Committed to the safety and wellbeing of every young person

March 2018



Written By: John Bentley
Approved By: FMBG Committee
Endorsed By: FMBG President
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Document Revisions

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Draft 1	5/02/2018	Draft for Review	JB	Committee	John Bentley
Issue 1	1/03/2018	Approved for Issue	JB	Committee	John Bentley

1. Introduction

The Friends of the Melton Botanic Garden (FMBG) is committed to child safety and holds the care, safety and wellbeing of children and young people as a central and fundamental responsibility of our organisation. This includes our younger members and any children who have contact with our organisation, for example children who attend meetings, participate in our activities and visit the nursery with their parents/carers/guardians.

We wish to make sure FMBG is a safe place for everyone, especially people under 18 years of age by:

- Minimising the risk of abuse
- Ensuring leaders and programs are safe
- Ensuring all cases of suspected abuse/misconduct are handled thoroughly
- Following National and State laws around child safety.

2. Purpose

This policy is to demonstrate the strong commitment of the committee and volunteers of the Friends of the Melton Botanic Garden (FMBG) to child safety and to provide an outline of the policies and practices the FMBG has developed to keep everyone safe from any harm, including abuse.

This policy applies to all volunteers, any employed staff, and contractors

3. Commitment to Child Safety

All children who are a part of the FMBG and its activities have a right to feel and be safe. The welfare of the children in our care will always be our first priority and the FMBG has a zero tolerance to child abuse. The FMBG aims to create a child safe and child friendly environment where children feel safe and have fun and the FMBG's activities are always carried out in the best interests of the children.

Our organisation is committed to child safety:

- We want children to be safe, happy and empowered
- We are committed to the safety, participation and empowerment of all children
- We have zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently with our robust policies and procedures
- We have legal and moral obligations to contact authorities when we are worried about a child's safety, which we follow rigorously
- Our organisation is committed to preventing child abuse and identifying risks early, and removing and reducing these risks
- We support and respect all children, as well as our volunteers, visitors and staff.

If you believe a child is at immediate risk of abuse phone 000.

4. Application of this Policy

This policy was developed by the Friends and in collaboration with Melton City Council staff, volunteers and the children who use our services and their parents.

This policy applies to all individuals involved in our organisation (volunteer and employed) including, but not limited to:

- Administrators
- Project managers, co-ordinators, team leaders, supervisors, activity leaders
- Volunteers
- Participants
- Parents
- Visitors
- Contractors

All of the people to which this policy applies have a role and responsibility in relation to child protection. They must all:

- understand the indicators and risks of child abuse;
- appropriately act on any concerns raised by children; and
- understand and follow all applicable laws in relation to the protection of children and reporting or management of child safety concerns.

5. Child Abuse

Child abuse can take a broad range of forms including physical abuse, sexual abuse, emotional or psychological abuse and neglect. People to whom this policy applies need to be aware that child abuse can occur whenever there is actual or potential harm to a child, and these are circumstances that the FMBG is committed to reducing the risk of occurrence.

Please refer to definitions in Appendix I

6. Children's Rights to Safety and Participation

The FMBG encourages children to express their views about their safety. We listen to their suggestions, especially on matters that directly affect them. We actively encourage all children who use our services to 'have a say' about things that are important to them.

We aim to inform children about what they can do if they feel unsafe. We listen to and act on any concerns children, or their parents, raise with us.

7. Valuing Diversity

We value diversity and do not tolerate any discriminatory practices. To achieve this we:

- promote the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children and their families;
- promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds and their families;
- welcome children with a disability and their families and act to promote their participation; and
- we welcome volunteers from diverse cultural backgrounds.

8. Screening and Recruiting Volunteers and Employees

The FMBG takes the following steps to ensure best practice standards in the recruitment and screening of volunteers and staff:

- Interview all volunteers, conduct referee checks if required for the position or involvement
- Require Working with Children Checks for all registered volunteers
- Require police checks for relevant positions
- Our commitment to Child Safety and our screening requirements are included in all advertisements and as part of the induction process for volunteers or new employees.

8.1 Working with Children Check (WWCC) Policy

It is the policy of the Friends of the Melton Botanic Garden that all adults who are regular volunteers in our activities hold a WWCC with very limited exceptions. All these volunteers will be interviewed and complete an FMBG Volunteer Registration Form. This is intended to cover our volunteers, contractors and employees. Adults who are staying overnight with children should always be required to produce a WWCC.

The WWCC Protocol provides further details.

The mere fact of holding a current WWCC does not of itself imply that a person is suitable to care for children. Holding a WWCC simply indicates (in general terms) that the holder has neither been convicted of certain sexual, violent or drug related offences, nor has charges for such offences pending. It does not guarantee or imply that a person has the skills or personal attributes of a responsible carer. Volunteers and parents must maintain constant vigilance in assessing the suitability of all persons (both those with, and those without, a WWCC) for taking children into their care or interacting with children. Volunteers and parents should not discount the value of their instincts or observations.

8.2 National Police Record Check Policy

A National Police Record Check is compulsory for every:

- Adults who are staying overnight with children, for example an FMBG field trip
- Adults who are regularly driving other members of our group

9. Supporting volunteers and Employees

The FMBG seeks to attract and retain volunteers and staff. We provide support and supervision so people feel valued, respected and fairly treated. We have developed a Code of Conduct to provide guidance to our volunteers, visitors and staff, all of whom receive training on the requirements of the Code.

This policy guides our volunteers on how to behave with children in our organisation.

- All of our volunteers must agree to abide by our code of conduct which specifies the standards of conduct required when working with children. All volunteers, as well as children and their families, are given the opportunity to contribute to the development of the code of conduct.
- The safety and wellbeing of children is our primary concern. We are also fair and just to volunteers and staff. The decisions we make when recruiting, assessing incidents, and undertaking disciplinary action will always be thorough, transparent, and based on evidence.
- We record all allegations of abuse and safety concerns using our 'Incident Report Form', including investigation updates. All records are securely stored.
- If an allegation of abuse or a safety concern is raised, we provide updates to children and families on progress and any actions we as an organisation take.

Please refer to the FMBG Code of Conduct - Child Safe Standards.

10. Privacy

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be staff, volunteers, parents or children, unless there is a risk to someone's safety. We have safeguards and practices in place to ensure any personal information is protected. Everyone is entitled to know how this information is recorded, what will be done with it, and who will have access to it.

11. Reporting a child safety concern or complaint

The FMBG has appointed John Bentley, Jill Bentley Barbara Frampton and Jen Eldridge as Child Safety Officers with the specific responsibility for responding to any complaints made by staff, volunteers, parents or children.

Any volunteer, visitor, employee, or contractor who has a concern in relation to a child's safety should contact:

- John Bentley
Email: john.bentley@fmbg.org.au, Phone: (03) 9743 3819, Mobile: 0421 762 531
- Jill Bentley
Email: jill.bentley@fmbg.org.au, Phone: (03) 9743 3819, Mobile: 0412 673 452
- Barbara Frampton
Email: barbara.frampton@fmbg.org.au, Phone: (03) 9743 6893, Mobile: 0419 005 250
- Jen Eldridge
Email: jen.eldridge@fmbg.org.au, Phone: 9743 2378, Mobile 0422 374 392
- **In the case of a criminal offence, directly to the police (000) or 112 on a mobile**

Our complaints process is outlined in the **FMBG Complaints Procedure** document.

12. Legislative responsibilities

Our organisation takes our legal responsibilities seriously, including:

- Failure to disclose: Reporting child sexual abuse is a community-wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police.
- Failure to protect: People of authority in our organisation will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. See Reasonable Belief in Appendix I
- Any volunteers and staff who are mandatory reporters must comply with their duties.

13. Risk Management

We recognise the importance of a risk management approach to minimising the potential for child abuse or harm to occur and use this to inform our policy, procedures and activity planning. In addition to general occupational health and safety risks, we proactively manage risks of abuse to children. To reduce the risk of child abuse occurring, adults to whom this policy applies should avoid direct, unsupervised contact with children. For example, this should be a consideration when:

- using toilet or change room facilities;
- using accommodation or overnight stays;
- travel; or
- physical contact when working with or supervising or managing children.

Refer to risk management the FMBG Home Safe document

14. Reviewing this policy

This policy will be reviewed every two years or following any major incident and we undertake to seek views, comments and suggestions from children, parents, carers, staff and volunteers involved in the FMBG.

15. Allegations, concerns and complaints

- Our organisation takes all allegations seriously and has practices in place to investigate thoroughly and quickly;
- We work to ensure all children, families, volunteers and staff know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour;
- We all have a responsibility to report an allegation of abuse if we have a reasonable belief that an incident took place (see information about failure to disclose above);
- If an adult has a reasonable belief that an incident has occurred then they must report the incident. Factors contributing to reasonable belief may be:
 - a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves);
 - behaviour consistent with that of an abuse victim is observed;
 - someone else has raised a suspicion of abuse but is unwilling to report it;
 - observing suspicious behaviour.

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Appendix I Definitions

Child: A person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

Child abuse includes:

- (a) any act committed against a child involving:
 - (i) a sexual offence
 - (ii) an offence under section 49B(2) of the **Crimes Act 1958** (grooming)
- (b) the infliction on a child of:
 - (i) physical violence
 - (ii) serious emotional or psychological harm
- (c) serious neglect of a child.

Child safety: encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

Child neglect: The failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing.

Child physical abuse: Generally, child physical abuse refers to the non-accidental use of physical force against a child that results in harm to the child. Physically abusive behaviours including shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. The fabrication or induction of an illness by a parent or carer (previously known as Munchausen syndrome by proxy) is also included in this definition of "Child physical abuse".

Child protection: Statutory services designed to protect children who are at risk of serious harm.

Child sexual abuse: Any sexual activity between a child under the age of consent (16) and an adult or older person (i.e. person two or more years older than the victim) is child sexual abuse.

Child sexual abuse can also be:

- any sexual behaviour between a child and an adult in a position of power or authority over them; the age of consent laws do not apply in such instances due to the strong imbalance of power that exists between young people and authority figures, as well as the breaching of both personal and public trust that occurs when professional boundaries are violated
- any sexual behaviour between a child and an adult family member, regardless of issues of consent, equality or coercion
- sexual activity between peers that is non-consensual or involves the use of power or coercion
- non-consensual sexual activity between minors (e.g. a 14-year old and an 11-year old), or any sexual behaviour between a child and another child or adolescent who, due to their age or stage of development, is in a position of power, trust or responsibility over the victim. Sexual activity between adolescents at a similar developmental level is not intended to be included in this definition of "Child sexual abuse".

Mandatory Reporting: The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons include teachers, nurses, police, psychologists, psychiatrists and medical practitioners.

Reasonable Belief: When an adult is concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a 'reasonable belief'. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

Reasonable grounds for belief is a belief based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a reasonable person believes that:

- (a) The child is in need of protection,
- (b) The child has suffered or is likely to suffer “significant harm as a result of physical injury”,
- (c) The parents are unable or unwilling to protect the child.

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than mere rumour or speculation.

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:

- a) A child states that they have been physically or sexually abused;
- b) A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- c) Someone who knows a child states that the child has been physically or sexually abused;
- d) Professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or
- e) Signs of abuse lead to a belief that the child has been physically or sexually abuse

This document was developed utilising and adapting content from:

- *The Commission for Children and Young People (2016), Child Safe Policy*
 - *Child Protection Toolkit (Moore's) January 2016*
Online at: https://www.communitydirectors.com.au/files/ICDA/Child_Protection_Toolkit_2016_Online.pdf
 - *VicSports Child Safety Policy Template*
 - *T.O.W.N Weight Loss Clubs Child Safe Policy August 2017*
 - *Catholic Parish of Melton Child Safety Policy September 2017*
 - *Working with Children website*
 - *Material and information from Melton City Council workshop on the Child Safe Act in November 2017*
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