



LIVE THE OUTDOORS

## CHILD AND VULNERABLE PERSONS – SAFE VENUE FRAMEWORK

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## **Introduction**

Our Child and Vulnerable Persons - Safe Venue Framework ("Framework") is an expression of our ongoing commitment to child safety and wellbeing.

It is designed to ensure that all persons associated with Cave Hill Creek, fulfil their legal obligations towards children and vulnerable people, with the aim of providing safe venues.

This includes:

- our zero-tolerance stance on all forms of child abuse, racism, discrimination and maltreatment;
- our commitment to providing safe and secure physical, online and emotional environments;
- ensuring that the best interests of the child are the centre of our policy, procedures and interactions.

This Framework is a national document which assists in compliance with the 10 National Child Safe Standards (and the 11 Victorian Child Safe Standards).

The Framework forms part of our standard operating policies and procedures covering topics such as employment / human resource management; privacy; work, health & safety; and emergency management.

The Framework will be implemented by all levels of Cave Hill Creek according to the policy and procedures herein. Acknowledging that the safety of children and vulnerable persons is a shared responsibility, we are committed to clearly communicating relevant aspects of the Framework to all those associated with Cave Hill Creek.

# CHILD AND VULNERABLE PERSONS SAFETY AND WELLBEING POLICY

## Application

This policy:

- outlines how Cave Hill Creek prioritises the safety and wellbeing of children and vulnerable people, and what steps we will take to ensure the health and safety of those who access our venue and programs.
- ensures that the best interests of the child are at the centre of our procedures and practices.
- ensures that all people associated with our venue understand our commitment and obligation to creating a child and vulnerable person safe organisation.
- Assists our venue with legal compliance including, but not limited to, the National Child Safe Principles, VIC Child Safe Standards, Reportable Conduct Scheme, mandatory child protection reporting and workplace health and safety.

This policy may be varied at any time by Cave Hill Creek.

## Scope

This policy applies to all those associated with our venue including:

- employees and volunteers,
- contractors, subcontractors, delivery persons or others engaged to provide services,
- guests or hirers of the venue and its facilities,
- those who access Cave Hill Creek and its services including camps, adventures and events, including children and their care-givers.

## Safety for Children and Vulnerable People

### Our Commitment

All people who are involved in any Cave Hill Creek operations, activities, services or programs have a right to feel safe and be safe. We are committed to providing environments where children and vulnerable people are respected, nurtured and cared for.

- We want all children and people to be safe, happy and empowered. We support and respect all children and people, as well as our staff, contractors and volunteers.
  - We are committed to the safety, participation and empowerment of all children and people
  - 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.
    - We are committed to preventing abuse and identifying risks early, and removing and reducing these risks.
    - We have robust human resource and recruitment practices for all employees, contractors and volunteers. We are committed to regularly training and educating our employees, contractors and volunteers on child abuse risks.

### Diversity and equity

We support and respect all children and guests, as well as our staff and volunteers. We promote diversity and respectful environments that are free from discrimination in our organisation, and people from all walks of life are welcome. We recognise and celebrate different cultures and seek to provide a safe, nurturing positive environment where people can be comfortable being themselves.

We recognise that everyone has unique skills, strengths and experiences to draw on.

We are committed to paying particular attention to the needs of:

- Aboriginal and Torres Strait Islander children/people;
- Children/people from a culturally and/or linguistically diverse backgrounds;
- Children/people with a disability
- Children/ and vulnerable people that identify as LGBTQI+
- Children and vulnerable people that do not live at home.

We have specific policies, procedures and training in place that support our leadership team, staff, contractors and volunteers to achieve these commitments.

### **Vulnerable people**

Vulnerable people are defined as a people aged under 18 or other individuals who may be unable to take care of themselves or are unable to protect themselves against harm or exploitation.

Vulnerable people can include children and seniors, people with impaired intellectual or physical functioning, people from a low socio-economic background, people who are Aboriginal or Torres Strait Islanders, people who are not native speakers of the local language, people with low levels of literacy or education and people subject to modern slavery, which involves human exploitation and control, such as forced labour, debt bondage, human trafficking, and child labour.

It is recognized that children especially need to be protected due to their potential vulnerability. This may be due to lack of life experience, trust/distrust of adults, physical size and strength, power imbalance between children and adults. This is particularly important at Cave Hill Creek where school children are hosted on camp.

It is Cave Hill Creek's goal to provide children and other vulnerable people with a positive, enjoyable group living experience, with access to a wide range of interesting and challenging activities. It is our duty to ensure their emotional and physical safety at all times. All guests, employees, volunteers and contractors have the right to a safe and caring environment, which promotes learning, personal growth and positive self-esteem.

This policy is intended to empower children and vulnerable people who are vital and active participants at Cave Hill Creek. We listen to their views and respect what they have to say.

### **Families and communities**

Cave Hill Creek recognises the important role of families and involves parents and carers when making significant decision about their child. Parents, families and communities are welcome to provide feedback at any time through our contact details and are encouraged to raise any concerns they have with us.

### **Training and Supervision**

Training and education are important to ensure that everyone at Cave Hill Creek understands that child safety and guest wellbeing is their responsibility. Our organisational culture aims for all staff, contractors, volunteers and guests to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. We train our staff, contractors and volunteers to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse.

New employees, contractors and volunteers will be supervised regularly to ensure they understand Cave Hill Creek's commitment to child safety and that everyone has a role to play in protecting children and

vulnerable people from abuse, as well as checking that their behaviour towards children and vulnerable people is safe and appropriate. Any inappropriate behaviour will be reported through appropriate channels, including the Department of Health and Human Services, and Victoria Police, depending on severity and urgency of the matter.

## **Recruitment**

Cave Hill Creek takes all reasonable steps to employ skilled people to work with children. We develop position descriptions and selection criteria which demonstrate our commitment to child safety and an awareness of our social, ethical and legislative responsibilities.

We actively encourage applications from all people, including Aboriginal peoples, people from culturally and/or linguistically diverse backgrounds and those with a disability.

For all employees engaged in child-related work, including volunteers:

- Employees, contractors and volunteers must hold a Working with Children Check, and provide evidence of this check;
- Employment candidates must hold a Working with Children Check, and provide evidence of this Check PRIOR to commencing employment;
- Cave Hill Creek will take reasonable steps to ensure the ongoing validity of these checks;
- We carry out pre-employment reference checks with at least 2 previous employers / referees where feasible regarding suitability for position;
- We carry out police record checks for permanent and contract staff, to ensure we are recruiting the right people. If during the recruitment process a person's records indicate a criminal history, then the person will be given the opportunity to provide further information and context. We will prohibit the employment or engagement of any person from working at Cave Hill Creek if they have prior convictions relating to violent or sexually related offences.
- All employees and volunteers are required to sign that they have read and understood the Children & Vulnerable People Safety and Wellbeing Policy, and the Code of Conduct for Working with Children and Vulnerable People prior to commencing employment.
- Newly appointed staff are required to undertake online child safety training.
- Refresher training will be provided periodically to staff at staff meetings and via formal training sessions.

## **Fair procedures for personnel**

The safety and wellbeing of children is our primary concern. We are also fair and just to our personnel. 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 on our Child Safe incident reporting 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, families and schools on progress and any actions we as an organisation take.

## **Privacy**

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be staff, volunteers, contractors, parents, teachers on camp, or children, except where it necessary to share information to respond properly to a complaint or to prioritise child safety. We may also need to share

information about incidents or complaints with external authorities to comply with the law or to prioritise safety. We have safeguards and practices in place to ensure 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.

### **Allegations, concerns and complaints**

Cave Hill Creek takes all allegations seriously and has practices in place to investigate thoroughly and quickly. We work to ensure all children, clients, employees, contractors and volunteers 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. If an adult has a **reasonable belief** that an incident has occurred then they must report the incident. Factors contributing to a reasonable belief may be:

- a child states that 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.

All allegations and concerns will be managed in line with our Reporting of Child Safety Issues Procedure.

### **Record Keeping**

Incidents of abuse may only come to light after a long period of time, or some cases in many years. The long-term security of relevant documents is of importance should allegations of abuse arise. Cave Hill Creek will securely retain relevant documentation for as long as necessary to ensure that the documents are available in the event of an allegation of abuse arising.

### **Risk Management**

Cave Hill Creek proactively assesses and manages risks to vulnerable people in our operations to reduce the likelihood of harm.

We are required to protect children and vulnerable people when a risk is identified. In addition to OH&S risks, we proactively manage risks of abuse to children and vulnerable people. Our risk management processes include strategies to identify, assess and minimise risks, both physical and online.

### **Responsibilities**

General responsibilities for all associated persons are covered in the Code of Conduct for working with children and vulnerable people (See Part 3 of the framework).

#### *Specific responsibilities:*

- Head of Organisation (Managing Director)
  - ensure disclosures of harm are reported to relevant regulatory bodies
  - fulfil relevant head of organisation roles in child protection related investigations
- Line Area Managers:
  - maintain a positive, child safe and child friendly culture
  - practical implementation of the framework
  - regular reporting to Child Safety Officer and Head of Organisation.
- Child Safety Officer:
  - implementation of Child and Vulnerable Person Safe Venue procedures
  - receive reports of incidents &/or concerns of risk of harm in relation to children or employees
  - maintain secure records in relation to the Framework

- regular reporting to Head of Organisation
- Health and Safety Officer
  - implement WHS policies
  - receive notifications of hazards/incidents such as serious events and dangerous incidents from employees and guests
  - notify incidents within a prescribed period to the appropriate office holders
  - address health and safety concerns within reasonable time.

## **Legislative Responsibilities**

Cave Hill Creek takes our legal responsibilities seriously including:

- **Failure to disclose:** 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.

## **Breach of this policy**

It is a serious breach of this Policy for any person associated with our venue to contravene any related procedure, or any regulation in law, in relation to the safety and protection of children and vulnerable people. Potential breaches will be investigated and may result in disciplinary action including up to termination of employment. Some breaches of this policy may need to be reported to the Victorian Police, or to the Commission for Children and Young People

## **Supporting Documentation**

As part of our Policy, we will implement the following Procedures for the establishment and provision of child safe and children / vulnerable person friendly environments:

- Child and Vulnerable People Safe Venue Framework
- Code of Conduct
- Discrimination Harassment and Bullying Policy
- Complaint Handling Policy
- Guidelines for Working with Children
- Reporting of Child Safety Issues Procedure

## **Supporting legislation**

Cave Hill Creek must meet all legislative requirements of the following:

- Child Wellbeing and Safety Act 2005 (Vic) (including Child Safe Standards)
- Children, Youth and Families Act 2005 (Vic) (including reporting to Child Protection)
- Crimes Act 1958 (Vic) (including Failure to Protect and Failure to Disclose offences)
- Wrongs Act 1958 (Vic) (including Part XIII – Organisational liability for child abuse)

## **Definitions & Terminology**

Please refer to the Child and Vulnerable Persons - Safe Venue Framework Part 5 for definitions and terminology.

### **Regular Review**

This Policy was revised and updated to reflect current legislative requirements (see Child and Vulnerable Persons - Safe Venue Framework Part 6) in 2023.

Our policy and procedures will be reviewed at least every year, or as often as necessary in order to remain compliant with new legislation. The policy will also be reviewed following any significant incidents if they occur to ensure continuous improvement in procedures and practices.

## **Part 2. Child and Vulnerable Person - Safe Venue Procedures**

These procedures support the practical implementation of our Child & Vulnerable Person - Safe Venue Policy.

### **2.1 Framework Implementation**

The Framework Implementation Procedure relates to the appointment of persons to Framework positions, and mechanisms for approval, communication, reporting, review and improvement of the Framework.

#### **Appointment of Child & Vulnerable Persons - Safe Venue Personnel**

The Management of Cave Hill Creek will appoint current personnel to carry out the following Framework implementation roles, and review these roles annually:

- Child Safety Officer
- Reportable Conduct Scheme Head of Organisation (Managing Director)
- Health & Safety Officer
- Line Area Managers
- Management Group (Consists of Managing Director/s and Line Area Managers)

Role descriptions for these roles can be found in **Part 6**.

Cave Hill Creek will adequately communicate the names of the persons holding these roles to all employees and guests at Cave Hill Creek.

#### **Approving Programs and Events**

The Line Area Managers will ensure that all duty of care issues have been addressed and all foreseeable program / event risks have been identified, assessed and treated.

#### **Communication of the Children and Vulnerable Person Safe Venue Framework**

- The Management Group will ensure documentation for our Framework will be made available through our website.
- We will communicate targeted, relevant and specific information about our Framework to all persons associated with Cave Hill Creek.
- The Management Group will ensure that age-appropriate signage is posted to provide information about who people (children and adults) can speak with if they have a concern.
- **Reporting to Management Group**
- The Management Group will have a set agenda item for reporting on child safety at each meeting.
- The Health & Safety Officer and Child Safety Officer will report quarterly to the Management Group as to the implementation of the Child and Vulnerable Person Safe Venue Procedures.

#### **Review of Framework**

Every year the Management Group will undertake a review of the Framework. This review will include receiving feedback and advice concerning the implementation of the Framework, from the Line Area Managers, Child Safety Officer, Health & Safety Officer/Team, Program Staff, children, parents and community stakeholders as appropriate.

**(6.8. Child and Vulnerable Persons Safe Venue Framework implementation and review checklist).**

## 2.2 Participation & Inclusion of Children and their Care-givers

### 1. Children's participation & Inclusion

- a. All employees, volunteers and contractors will actively listen to children when they speak about matters that directly affect their sense of safety or wellbeing and *will act on* any concerns children or their carers raise with them.
- b. Program employees will ensure that children will have opportunity to reflect on their experience at the venue and to make comments regarding the accommodation, meals and program elements and other aspects of wellbeing, including staff conduct. Such feedback will inform and guide adjustments to practices, programs and training (**6.9 - Camper's feedback form**).
- c. Program employees will schedule time in the program to talk to children about their safety, usually at the beginning of the program or event, and as is practicable will encourage the children to participate and contribute to safety discussions.
- d. The Management Group will provide information, including age-appropriate signage, in relation to safety, acknowledging the need for sensitivity and consideration of those children of Aboriginal & Torres Strait heritage, and culturally &/or linguistically diverse backgrounds as well as any child with a disability.
- e. The Management Group will take steps to respect and promote the cultural identify of children of Aboriginal & Torres Strait heritage, and culturally &/or linguistically diverse backgrounds through engagement with the children and their care-givers in relation to taboos and symbols and activities that are important to the children's cultural heritage, as is practicable given the nature of the program.

### 2. Engaging with Care-givers & Community

- a. The Managing Director and Line Area Managers will promote open communication with parents and care-givers, and other community stakeholders, encouraging feedback on the program that their child has attended (**6.10 – Parents/care-givers feedback form**).
- b. When reviewing the Child and Vulnerable Person Safe Venue Policy and Procedures, the venue will seek input from a targeted group of parents and care-givers. The venue will also take reasonable measures to allow for communication and input from community members who have relationships with children accessing our programs.

## 2.3 Recruitment & Screening of Employees and Volunteers

Cave Hill Creek takes all reasonable steps to employ skilled people to work with children.

We develop position descriptions and selection criteria which demonstrate our commitment to child safety and an awareness of our social, ethical and legislative responsibilities.

We actively encourage applications from all people, including Aboriginal peoples, people from culturally and/or linguistically diverse backgrounds and those with a disability.

For all employees engaged in child-related work, including volunteers:

- Employees, contractors and volunteers must hold a Working with Children Check, and provide evidence of this check;
- Employment candidates must hold a Working with Children Check, and provide evidence of this Check PRIOR to commencing employment;
- Cave Hill Creek will take reasonable steps to ensure the ongoing validity of these checks;
- We carry out pre-employment reference checks with at least 2 previous employers / referees where feasible regarding suitability for position;
- We carry out police record checks for permanent and contract staff, to ensure we are recruiting the right people. If during the recruitment process a person's records indicate a criminal history, then the person will be given the opportunity to provide further information and context. We will prohibit the employment or engagement of any person from working at Cave Hill Creek if they have prior convictions relating to violent or sexually related offences.
- All completed recruitment and screening documentation will be stored securely and successful applicant documentation will be held on electronic personnel files for a minimum of 30 years.
- All employees and volunteers are required to sign that they have read and understood the Child & Vulnerable People Safety and Wellbeing Policy, and the Code of Conduct for Working with Children and Vulnerable People prior to commencing employment.
- Newly appointed staff are required to undertake online child safety training.
- Refresher training will be provided periodically to staff at staff meetings and via formal training sessions.

We also have appointment and admission procedures for contractors and guests to our venue.

## **Procedures for appointing Employees & Volunteers**

### **a. Short listed Applicants for the Position**

- Be interviewed by the relevant office holder of our organisation
- Provide evidence of Victorian Working with Children Check
- Provide references. These will be checked with referees (Refer Form 6.6)

### **b. Successful Applicants**

- The Management Group will provide adequate and appropriate information and induction training to enable them to safely fulfil their role/s, including being given a copy of the Child & Vulnerable Persons Safe Venue Policy and the Procedures as they relate to their role.

## **Procedure for appointing Contractors**

### **a. Cave Hill Creek will send all prospective contractors who are considered for work a copy of the contractor registration form, and ask them to review and acknowledge the code of conduct prior to a quote being accepted for work.**

### **b. Sign in Requirements**

- All contractors are to report to the Cave Hill Creek Reception and sign in (Form 6.8)

### **c. Signage on Site**

- Cave Hill Creek will display adequate signage around the venue in relation to expected safe behaviours and how to report hazards, incidents and concerns (**Form 6.3**).

**Procedure for admission of guests (including those hiring our venue, parent visitors, all other adults who visit when children are on site)**

**a. Sign in Requirements**

- All guests are to report to the Cave Hill Creek Reception to sign in, including signing the declaration about safe behaviour on site (**Form 6.8**).

**b. Signage on Site**

- Cave Hill Creek will display adequate signage in relation to expected safe behaviours and how to report hazards, incidents and concerns (**Form 6.3**).

## 2.4 Training of Employees

### Training

- **Induction Training**

All employees will be fully inducted in relation to:

- Knowledge of Standard Operating Procedures and Emergency Procedures that apply to equipment, programs and general site Health and Safety.
- *Code of conduct* expectations and appropriate behaviours with children.

- **Child & Vulnerable Person Safe Venue Training**

All employees will receive initial and ongoing training in safety for children and vulnerable people: including empowering and including children, identifying and responding to children at risk of harm, and safe environments (duty of care).

- **Ongoing In-Service Training**

Cave Hill Creek will arrange ongoing staff and worker professional development as is appropriate to the worker's role, e.g., first aid, specific qualifications as necessary for the successful carrying out of the worker's role.

## 2.5 Child Safe Environments (physical, online and emotional), including Guidelines for Working with Children

Safe environments are transparent and accountable in relation to both procedures and relationships. The physical and online environments are safe, and safe practices are in place to run the program, where all foreseeable risks and hazards are identified, assessed and managed. In implementing procedures for the fact that some activities or situations present more inherent risks than others, consideration should be given to the participants' ages and cultural backgrounds.

### 1. Risk Assessment and Safety Management

These practices are embedded in our procedures prior to each program, event or activity. We use these practices to inform our planning and operating of all our programs, events or activities. Risk management applies to common law duty of care, Work Health & Safety and specifically to the minimising of safety risks for children who are in our care.

The Line Area Managers are responsible for the identification, assessment, management or all site and program risks, and the reporting and addressing of incidents.

## **2. Physical Environment**

The Line Area Managers will:

- conduct WHS site inspection of the area to be used for a program
- apply hierarchy of control measures where hazards are identified, and control measure communicated with all worker and program participants
- ensure our Framework procedures for safe environments forms part of our overall site safety procedures.
- Ensure Cave Hill Creek has a range of following policies and procedures to ensure the physical safety of all persons associated with Cave Hill Creek, including First Aid, Transportation, Food Safety, and guidelines for working with children and procedures for boundary setting (establishment of program 'rules').

# Guidelines for Working with Children

## Physical Contact

Cave Hill Creek acknowledges that there are often times when it is clearly appropriate (and desirable) for physical contact between adults, children and guests. This can occur especially during activities where equipment needs to be fitted (e.g., harnesses, helmets, life jackets) or assistance provided (e.g., entering canoes). It can also occur in a hug of congratulations or a friendly pat on the back. Cave Hill Creek staff must use the following principles for touching children and vulnerable people while respecting their privacy and safe feeling:

- Any touching must be with the child's permission, for example, ask, "May I adjust your harness?"
- Touching should be in the open and not secretive, with other people around and not especially focussed on one person.
- Touching should only ever be to support or respond to a need of the child and NEVER to meet the needs of an adult.
- Any touching must avoid body areas such as breasts, buttocks and the groin.

## Personal Privacy

Children are entitled to privacy in personal matters and Cave Hill Creek staff must respect this.

## Sleeping, showering and toilet privacy

- Boys and girls have separate sleeping, showering and toilet facilities & must stay in these designated areas.
  - Adults with supervisory roles in these areas must respect the children's privacy, and knock or call out to let them know that they are entering the facility.
  - Cleaning of areas such as toilets and showers is scheduled to be done at off-peak times when campers are less likely to be using the facilities.
  - When cleaning is being carried out a sign to that effect is displayed at the entrance.

## Avoiding compromising situations

Cave Hill Creek staff must avoid placing themselves or campers in situations where they can be compromised.

- Avoid being alone with a camper where practicable; stay in view of others
- Knock and ask permission to enter sleeping or private areas
- Use staff toilet and shower facilities, where provided
- Avoid 'favourites' and treat all campers with the same level of friendliness and courtesy
- Seek the camper's permission before touching or adjusting equipment they are wearing
- Avoid situations that cause embarrassment or humiliation to campers
- Avoid sexual talk or behave in a way that promotes promiscuity or the acceptance of sexually explicit material.
- Avoid any online contact with children.

## Administering First Aid

If Cave Hill Creek staff are required to render first aid or emergency treatment:

- They will involve another staff member of the same sex as any child requiring attention whenever possible. Otherwise, they will endeavour to have another person present.
- Unless necessary, they will leave examination of private areas to health professionals.
- They will not force children to remove clothing for an examination.
- They will record their actions in accordance with first aid recording procedures.

- They will refer to Group Leader with issues of campers requiring medication.

### **Favouritism and exclusiveness**

There is no place for 'favourites' at camp. In most instances, the showing of favouritism to a child or small group of children fosters the needs of the adult, not the child. It can create emotional dependence on the adult and isolate the child from peers. When a child needs a little extra attention, it must be given openly and carried out in such a way that no secretiveness or exclusivity is perceived by the child or others.

### **3. Communication and Online Interactions with Children**

- Employees have a responsibility to ensure that their conversations are not abusive or offensive within the normal range of these terms. As a general principle all employees will consider the impact of their words and actions before they speak or act.
- If it is necessary to speak to program participants privately, employees will inform their supervisor of the intention to do so, and the conversation will occur in the sight of other employees.
- Employees will consider the impact of distance and personal space in front or behind participants when communicating. Employees are to consider the distances they stand or sit from the people they are leading and determine if they may be making the person uncomfortable because they are operating within an inappropriate space for an interaction.
- We acknowledge that the use of electronic media for communication is part of everyday life, however, we need to be mindful of the position of trust and power we have been entrusted with as leaders. As such our employees will:
  - as far as it is practical interact electronically with children as a team, not as individuals, e.g. group emails, Facebook page or SMS.
  - seek parental permission before communicating with a child electronically, and only do so with the parent's full knowledge.
  - not transmit, retrieve or store any communication that is: discriminatory or harassing, derogatory, obscene, sexually explicit or pornographic, defamatory, threatening, for any purpose that is illegal or contrary to the relevant code of conduct.
  - not send any electronic communication that attempts to hide the identity of or represent the sender as someone else.

### **4. Emotionally Safe Environments**

We have identified the following areas as having unique "risks" in relation to the emotional environment for children who participate in our programs and as such requiring procedure to ensure safe and friendly environment for children.

#### **Respecting the Needs of the Individual Child**

We will take into consideration and make appropriate and reasonable modifications to cater for the needs of individual children as far as is practicable, including ensuring the cultural safety of Aboriginal and Torres Strait Islander Children, children with culturally diverse backgrounds and any child with a disability.

This includes consideration of activities that may cause a problem culturally for those involved. When we suspect an activity could be a problem, we will ask the program participant or their family, prior to asking them to take part.

## 2.6 Responding to Child Protection Concerns

### Child Centred Approach to Reporting

We commit to a child focussed approach to responding to concerns about a child or group of children who may be at risk of harm. We start with the question: "How is the child experiencing the suspected or actual harm?" and then act in the best interests of the child.

### Reporting of Child Safety Issues

#### Responsibility of Staff

Any incident, complaint or concern regarding child safety must be taken seriously and fully investigated (with outside help if necessary).

Cave Hill Creek's Child Safety Officer will act to comply with State law or implement appropriate action such as reporting to police, school principal, or other relevant authority. The Child Safety Officer provides a single contact for children, parents and staff, volunteers and contractors to seek advice and support regarding the safety and wellbeing of children associated with Cave Hill Creek. The Child Safety Officer can provide support to employees, contractors, guests and volunteers who are required to report child safety or sexual abuse issues.

**Cave Hill Creek's Child Safety Officer is:  
ANGELA CHANDLER (MOBILE 0408 690 374)**

#### **WHAT TO DO IF AN ALLEGATION OF ABUSE IS MADE:**

If any person believes a child or vulnerable person is at immediate risk of abuse, phone 000.

While the child safe standards focus on organisations, every adult who reasonably believes that a child has been abused, whether in their organisation or not, has an obligation to report that belief to authorities.

- **All reports must be made by telephone initially.**
- **Cave Hill Creek staff must complete a Child Safe Incident Report Form**, to the extent possible, which can be provided to the Child Safety Officer and / or relevant authorities as requested.

#### **If a child discloses an incident of abuse to you:**

- Try and separate them from the other children discreetly and listen to them carefully.
- Let the child use their own words to explain what has occurred.
- Reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing.
- Explain to them that this information may need to be shared others, such as with their parent/carer, specific people at Cave Hill Creek or the police.

- Do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
- Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
- Provide them with an incident report form to complete, or complete it together, if you think the child is able to do this.
- As soon as possible after the disclosure, record the information using the child's words and report the disclosure to your manager or Cave Hill Creek's Child Safety Officer, police or child protection.
- Ensure the disclosure is recorded accurately, and that the record is stored securely.
- Information provided to child protection when a report is made needs to be sufficiently detailed for child protection to identify the child at risk of harm. Where concerns relate to an alleged perpetrator of abuse, who may pose a risk more generally to all children, the concerns should be reported to Police.

**If a parent/carer says their child or other vulnerable person has been abused in your organisation or raises a concern**

- Explain that Cave Hill Creek has processes to ensure all abuse allegations are taken very seriously.
- Ask about the wellbeing of the child / vulnerable person.
- Allow the parent/carer to talk through the incident in their own words.
- Advise the parent/carer that you will take notes during the discussion to capture all details.
- Explain to them the information may need to be repeated to authorities or others, such Cave Hill Creek's Child Safety Officer, the police or child protection.
- Do not make promises at this early stage, except that you will do your best to keep the child safe.
- Provide them with an incident report form to complete, or complete it together.
- Ask them what action they would like to take & advise them of what the immediate next steps will be.
- Ensure the report is recorded accurately, and that the reports as well as any other relevant documentation, is stored securely.

**Sexual Abuse**

Cave Hill Creek encourages all staff, volunteers and/ or contractors to report any reasonable suspicion (*fair and practical reason to believe an incident involving sexual abuse has occurred based on either verbal communication, hearsay, rumour or observation of behaviour*) of an incident involving sexual abuse to senior management. Police and insurance authorities should be notified.

The details of those reporting sexual abuse will be kept private and confidential.

**Other considerations**

- You need to be aware that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. You need to be sensitive to these issues and meet people's needs

where possible, such as having an interpreter present (who could be a friend or family member).

- If an allegation of abuse involves an Aboriginal child, you will need to ensure a culturally appropriate response.
- Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters.

### **Legal Responsibility to Report**

To make a report to child protection a person needs to have formed a reasonable belief that a child has suffered or is likely to suffer significant harm as a result of abuse or neglect, and that their parent has not protected or is unlikely to protect the child from harm of that type.

The **failure to disclose** criminal offence requires all adults (aged 18 and over) who hold a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 to disclose that information to police (unless they have a reasonable excuse not to, for example because they fear for their safety or the safety of another).

### **Telephone Contacts**

If any person believes a child is at immediate risk of abuse, phone 000.

The Child Protection Office Hours number for Western Division:  
1800 075 599 (Business Hours)

The Child Protection After Hours number:  
131278 (After Hours)

**See Child Safety Incident Report Form (Part 6 – Form 6.9)**

### **Reporting Safety Incidents**

All Incidents and Near Misses of a safety nature should be recorded on the Venuelife Incident Register within 24 hours.

## **2.7 Addressing Misunderstandings and Grievances**

Cave Hill Creek has a Complaints and Grievance Policy which should be followed to address and resolve misunderstandings, grievances and conflicts between two or more staff, volunteers, or hirers of our Venues, in a restorative manner.

# COMPLAINTS AND GRIEVANCE POLICY

## Application

This policy applies to any complaint or grievance that a workplace participant has against an employee, contractor or other third party.

## Statement of Intent

Cave Hill Creek recognises the rights of employees and others to make complaints or otherwise raise a grievance in good faith without fear of victimisation in doing so.

This policy has been put in place to provide employees with a process to follow in making a complaint or otherwise raising a grievance to achieve consistent treatment in the handling of all complaints and grievances.

Cave Hill Creek aims to resolve grievances and complaints as promptly and fairly as possible, while maintaining confidentiality and objectivity.

## Definitions

*'Grievance'* is any type of problem, concern or complaint related to an employee's work or the work environment. A grievance can be about any act, behaviour, omission, situation or decision impacting on an employee, that the employee thinks is unfair or unjustified.

*'Complainant'* is the person or people making the complaint

*'Respondent'* is the person or people against whom the complaint is made

*'Procedural fairness'* (also known as natural justice) is the principles under which a decision will be made in relation to this policy. While management may have feelings of sympathy for the person making the complaint, and quite possible negative feelings towards the other person (s) when dealing with a complaint, it is crucial to continually bear in mind that all people have the right to:

- Be treated as innocent until unacceptable behaviour and/or performance is determined
- A fair and unbiased hearing
- Attend meetings, if they choose, with a friend or support person
- A genuine investigation into any areas of dispute
- Having full knowledge of the nature of the complaint
- An independent, unbiased decision-maker
- A final decision that is based solely on the relevant evidence

*'Serious misconduct'* includes:

- Wilful or deliberate conduct that breaches the employee's employment contract
- Conduct that causes serious and imminent risk to the health or safety of another person
- Conduct that causes serious and imminent risk to the company's reputation or commercial viability
- Theft and/or fraud
- Assault
- Intoxication at work (as defined in the Fair Work regulations)

- Refusing to carry out a lawful and reasonable instruction that is consistent with the employee's employment contract

*'Support person'* a person who, being reasonably available, is selected by an employee to provide support to him/her during a meeting in connection with this policy. This person is not an advocate and is not permitted to speak on behalf of the employee. If the employee is under 18yo, they must have a support person present and it is recommended that it is a parent or guardian.

### **Making a complaint**

If you raise a grievance or otherwise make a complaint, you must do so honestly and genuinely. You must not raise a grievance or complaint frivolously or for an alternative purpose. If the complaint is found to be vexatious (deliberately made up), it may result in disciplinary action against the person making the complaint.

Before making a complaint or grievance, you are encouraged to resolve the issue yourself directly with the other individual(s) involved. This may include speaking with the other person about your concerns or seeking the assistance of your immediate supervisor or directors on strategies for how to conduct the conversation or assist in facilitating a meeting with the other person.

Where a complaint or grievance cannot reasonably be resolved directly with the other individual(s) involved, you should report the complaint to your immediate supervisor. If the complaint is about your supervisor, the complaint should be made directly to the directors. Cave Hill Creek may take the following action, subject to the circumstances:

- an informal process (e.g., organised discussions between parties). Every effort should be made to resolve the grievance before it is formalised, using verbal and informal methods. Employees may seek the advice or assistance of their manager / supervisor or Cave Hill Creek director/s to resolve the matter informally.
- a formal investigation process. To commence the formal process, the employee should outline their grievance in writing. Your complaint should detail: the specific issue or incident that is being complained about, including when it occurred, who was involved, and what happened; any action you've already taken to try to resolve the matter; and the resolution outcome you are seeking. This should be given to the employee's manager/supervisor or Cave Hill Creek director/s as appropriate.
- mediation. Discussions may be held in good faith between the employee and the other party in an effort to genuinely resolve the grievance at the workplace level. If the grievance concerns another member of staff ('the other staff member'), the other staff member against whom the grievance or complaint has been raised will be given the details of the complaint against them, and they will be given the opportunity and a reasonable time to respond before the process continues. The employee's manager/supervisor or Cave Hill Creek director/s may have a discussion with both parties in an effort to genuinely resolve the grievance at workplace level.

### **Conduct after a complaint is made or while an investigation is underway**

- All employees must conduct themselves appropriately.
- Complainants and witnesses will not be treated adversely or otherwise victimised.
- All employees must maintain confidentiality about a grievance or complaint, except as required.

### **Options for resolving a complaint**

There are many ways that a complaint may be resolved. While the outcome sought by the complainant will be taken into account, Cave Hill Creek cannot guarantee any particular outcome will be achieved.

A complainant may choose at any time to access any available external avenues in relation to

their complaint. External avenues may include: Fair Work Australia, the Australian Human Rights Commission, Victorian Equal Opportunity Commission (or relevant state authority) the Police or WorkSafe.

### **Breach of this Policy**

Failure to comply with this policy, or a finding of misconduct or other inappropriate behaviour, may result in disciplinary action, which may include:

- Appropriate training
- monitoring
- an apology
- altered work arrangements
- a warning
- a final warning
- termination of employment

Where a complaint involves alleged criminal conduct or allegations of other unlawful conduct (or conduct that may be criminal conduct or a breach of any law), Cave Hill Creek may be required to notify the police. Cave Hill Creek may consider, having regard to the individual circumstances of the matter, whether it is appropriate to suspend the complaint procedure pending any action being taken by an external body, continue to conduct a process alongside the external process or take another form of action.

**Cave Hill Creek may amend and vary this policy from time to time.**

## 2.8 Record Keeping

1. In the documentation and storage of records we will take into account the National Privacy Act principles, i.e.
  - that private information is only collected if necessary;
  - individuals concerned are advised of its intended use;
  - personal information collected is stored securely and not divulged to others without the consent of the individual involved;
  - any personal information the venue is holding which is no longer required, is out of date or incorrect, is either destroyed or amended to be accurate.
2. The task of adequate documentation and secure storage of all records is delegated to the Management Group.
3. The Office Manager is responsible for the implementation of our record keeping procedures.
4. Safe records will be kept in secure (locked or pass-worded) electronic storage for a period of not less than 45 years.
5. The Line Area Managers will collect information using information and permission forms for giving permission in situations including but not limited to:
  - collecting, retaining and distributing of personal information of program participants;
  - taking photos, displaying photos of attendees in hard copy or electronic forms such as websites or social media sites;
  - providing details of persons appearing in photos in either hard or electronic forms.
6. Employment records, including all documentation as part of our Child and Vulnerable Person Safe Venue Procedures will be securely stored electronically.
7. Child protection reports and records including all documentation as part of our Child and Vulnerable Person Safe Venue Procedures will be securely stored electronically by the Child Safety Officer. These records will be kept permanently.

## 2.9. Establishing culturally safe environments for Aboriginal children

The information and directives for action are taken and/or adapted from the *CCYP - A guide for creating a Child Safe Organisation 2021*.

*The Commission for Children and Young People (the Commission) understands that organisations will be at different stages in achieving compliance with this new Standard. **Foundation steps** are provided to help organisations who are yet to make a significant effort to establish a culturally safe environment for Aboriginal children. These **foundation steps** help organisations to identify the work they must*

*do to comply with the Standard and to build a plan of action (CCYP - A guide for creating a Child Safe Organisation p.24).*

The minimum compliance actions for implementation of Standard 1 are as follows:

- 1.1 *A child's ability to express their culture and enjoy their cultural rights is encouraged and actively supported.*
- 1.2 *Strategies are embedded within the organisation which equip all members to acknowledge and appreciate the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal children and young people.*
- 1.3 *Measures are adopted by the organisation to ensure racism within the organisation is identified, confronted and not tolerated. Any instances of racism are addressed with appropriate consequences.*
- 1.4 *The organisation actively supports and facilitates participation and inclusion within it by Aboriginal children, young people and their families.*
- 1.5 *All of the organisation's policies, procedures, systems and processes together create a culturally safe and inclusive environment and meet the needs of Aboriginal children, young people and their families.*

**1. We have documentation towards establishing cultural safety of Aboriginal children, including:**

- *A public commitment to the cultural safety of Aboriginal children included in our Child & Vulnerable Persons – Safety and Wellbeing Policy ... displayed for public access.*

**2. Our Staff and Volunteers will:**

- *encourage and support children to express their culture and enjoy their cultural rights.*
- *actively support and facilitate participation and inclusion within the organisation by Aboriginal children and their families.*
- *not tolerate racism.*
- *acknowledge and appreciate the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal children.*

**3. Cave Hill Creek Leadership will:**

- *create an inclusive and welcoming physical and online environment for Aboriginal children and their families by acknowledging and respecting Aboriginal peoples, communities, cultures and values.*
- *as appropriate provide children with information from the organisation about cultural rights and the organisation takes active steps to encourage Aboriginal children to express their culture. When children express their culture, staff and volunteers in the organisation give them support.*
- *empower children by providing opportunities to participate in a way that is culturally safe for Aboriginal children.*

- *provide culturally safe opportunities for Aboriginal families to participate in the organisation.*
- *provide, as appropriate:*
  - *information on cultural rights, the strengths of Aboriginal cultures and the importance of culture to the wellbeing and safety of Aboriginal children*
  - *information on the connection between cultural safety and the prevention of child abuse and harm for Aboriginal children*
  - *opportunities to learn and express appreciation of Aboriginal cultures and histories.*
- *develop and implement strategies that encourage the acknowledgement and appreciation of the strengths of Aboriginal cultures are developed*
- *develop and implement strategies to prevent racism.*

### **Part 3. Codes of Conduct**

Codes of Conduct have been developed with the following underlying intentions and commitments:

- To encourage staff members to seek to act at all times in a manner that faithfully represents the ethos and beliefs of the organisation.
- To ensure clear expectations of staff and their alignment with the vision and commitments of the organisation to ensure the safety and wellbeing of children, teenage and adult (clients, guests) and Cave Hill Creek.

## **3.1 CODE OF CONDUCT FOR WORKING WITH CHILDREN AND VULNERABLE PEOPLE**

This code of conduct applies to all staff, volunteers and contractors at Cave Hill Creek who are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children and vulnerable people, as noted below.

**All staff, volunteers and contractors at Cave Hill Creek are responsible for supporting the safety, participation, wellbeing and empowerment of children and vulnerable people by:**

- adhering to Cave Hill Creek's Child and Vulnerable Persons - Safety & Wellbeing Policy at all times
- taking all reasonable steps to protect children and vulnerable people from abuse, harm, and neglect
- treating everyone with respect
- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another
- promoting the cultural safety, participation and empowerment of Aboriginal children (for example, by never questioning an Aboriginal child's self-identification)
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination)
- promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities)
- ensuring as far as practicable that adults are not left alone with a child
- reporting any allegations of child abuse to Cave Hill Creek's Child Safety Officer or management, and ensure any allegation to reported to the police or child protection
- reporting any child safety concerns to Cave Hill Creek's Child Safety Officer or management
- reporting any workplace safety concerns to Cave Hill Creek's Health and Safety Officer or management
- if an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe
- encouraging children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them.

**Employees, contractors and volunteers must not:**

- develop any 'special' relationships with children or vulnerable people that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children)
- exhibit behaviours with children or vulnerable people which may be construed as unnecessarily physical (for example inappropriate sitting on laps)
- put children or vulnerable people at risk of abuse (for example, by locking doors)
- do things of a personal nature that a child can do for themselves, such as toileting or changing clothes
- engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities)

- use inappropriate language in the presence of children
- express personal views on cultures, race or sexuality in the presence of children
- discriminate against any child or vulnerable person, including because of culture, race, ethnicity or disability
- have contact with a child with whom you associate at work or their family outside of our organisation without our child safety officer's knowledge and/or consent (for example, no babysitting). Accidental contact, such as seeing people in the street, is appropriate
- have any online contact with a child or their family (unless necessary, for example providing families with e-newsletters)
- ignore or disregard any suspected or disclosed child abuse.
- Take unauthorised photos or movies of a child onsite or during a venue-run activity or publish or share movies of a child online in social media or on any other site without parent/ guardian consent.

By observing these standards, you acknowledge your responsibility to immediately report any breach of this code to Cave Hill Creek's Child Safety Officer.

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

Some breaches of this Code of Conduct may need to be reported to the Victorian Police, or to the Commission for Children and Young People. Please refer to our Reporting Child Safety Issues Procedure for further information on reporting obligations and process.

If a staff member is found to have breached this Code of Conduct, they may also be subject to disciplinary action including up to termination of employment.

**Please note:** If a person in a position of authority within Cave Hill Creek becomes aware of a substantial risk that a child or vulnerable person may become the victim of a sexual offence committed by an adult associated with the organisation (an employee, volunteer, contractor), and they have the power or responsibility to reduce or remove the risk, then they must take all reasonable steps to do so. A person in authority who negligently fails to take appropriate action to address the risk may be charged with the criminal offence of 'failing to protect'.

If an adult reasonably believes a sexual offence has been committed by an adult against a child under the age of 16, they must report it to Victorian Police. Failing to disclose the information may be a criminal offence.

I agree to adhere by this Code of Conduct.

### **3.2 Code of Conduct for Cave Hill Creek Guests**

We expect our all guests to provide safe and friendly environments for children.

We ask all guests at Cave Hill Creek to:

1. Respect the rights of the child to a safe and friendly venue.
2. Take all reasonable care for their own health and safety.
3. Take responsible care that their actions do not adversely affect the health and safety of others.
4. Comply with all reasonable instructions from venue managers.
5. Comply with relevant usage and guest conditions as communicated.
6. Report all Child Protection concerns immediately to the Child Safety Officer or Line Area Managers as soon as practicable.
7. Report all incidents or hazards to the Health and Safety Officer or Line Area Managers as soon as practicable.

### **3.3 Code of Conduct (Acceptable Standards) for Children**

We will afford children an opportunity to have a voice in the establishment of acceptable standards of behaviour at the beginning of camps.

Where residential camps or ongoing programs are offered, we will encourage children to participate in establishing appropriate behavioural boundaries.

The following is a template for signage in relation to acceptable behaviours or “rules” for younger children (5-10 years).

The template may also be used in a session where leaders work with the children to agree to these boundaries together. For teenage children, the boundaries will need to be adjusted as appropriate for their age.

#### **We will ....**

- treat each other kindly
- join in and try our best
- follow leaders' directions
- stay where we can be seen by our leaders
- let our leader know if we feel unsafe, upset or unwell
- let our leader know if someone else is hurt

## **3.4 DISCRIMINATION, HARASSMENT AND BULLYING POLICY**

### **Application**

This Policy applies to all Cave Hill Creek employees, contractors, temporary staff/on-hire employees, volunteers and work experience students. For the purpose of this policy, this group will be known collectively as 'workplace participants.'

This Policy is not limited to the workplace or work hours. This Policy extends to all functions and places that are work related. For example, work lunches, conferences, Christmas parties and client functions.

This Policy does not form part of any employee's contract of employment, nor does it form part of any contractor's contract for service.

### **Statement of Intent**

This policy is designed to assist Cave Hill Creek in its aim to:

- provide an environment where employees and others in the workplace are treated fairly and with respect, and are free from unlawful discrimination, harassment and bullying; and
- ensure that when employment decisions are made, they are based on merit, not on irrelevant attributes or characteristics that an individual may possess. Cave Hill Creek also tries to create a work environment which promotes good working relationships.

### **Legislation**

Cave Hill Creek must meet all legislative requirements of the following:

#### **Federal Jurisdiction**

- Australian Human Rights Commission Act 1986
- Sex Discrimination Act 1984
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Workplace Gender Equality Act 2012
- Fair Work Act 2009
- Age Discrimination Act 2004
- Work Health Safety Act 2011

#### **State Jurisdiction**

- Victorian Equal Opportunity Act 2010
- Racial and Religious Tolerance Act 2001
- Occupational Health & Safety Act 2004
- Accident Compensation Act 1985
- The Victorian Charter of Human Rights and Responsibilities

### **Discrimination**

Direct discrimination in employment occurs when a person is treated less favourably than another in their employment because of a reason or ground which is prohibited by law. The prohibited grounds of discrimination are set out in the Federal, State and Territory anti-discrimination laws and include sex, race, age etc.

A full list of protected attributes in Victoria include:

- Age
- Disability/impairment
- Industrial activity/inactivity
- Lawful sexual activity
- Sexual orientation or preference
- Gender identity
- Marital status, including de facto
- Political belief or activity
- Pregnancy
- Breastfeeding
- Race includes colour descent or national or ethnic origin
- Religious belief or activity
- Sex
- Status as a parent or carer
- Personal association with someone who has one or more of the above attributes
- Irrelevant criminal conviction (one that does not relate to an inherent requirement of the role)

While discrimination on the basis of irrelevant criminal record is only unlawful in the Northern Territory and Tasmania, a person may still make a complaint to the Australian Human Rights Commission about being discriminated against because of their irrelevant criminal record. Because this type of discrimination is not ‘unlawful’ under the Commonwealth laws, the Commission has no powers to make orders for compensation or make other orders to compel a party to do something. The Commission’s powers are limited to making a recommendation for action (whether compensation or otherwise) and to ‘tabling’ their report in parliament (which is tantamount to ‘naming and shaming’).

Separately to ordinary discrimination laws, there are laws in the Commonwealth, New South Wales, Queensland, the Australian Capital Territory, Northern Territory, Western Australia and Tasmania, that prohibit persons from taking spent criminal records into account or otherwise disclosing the details of a spent criminal record.

## **Harassment**

Harassment is unwelcome conduct directed towards a person based on a ground of discrimination (as set out above), that a reasonable person would expect to offend, humiliate or intimidate.

Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person. However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person.

Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other workplace participants can also be unlawful.

Examples of sexual harassment include, but are not limited to:

- physical contact such as pinching, touching, grabbing, kissing or hugging
- staring or leering at a person or at parts of their body
- sexual jokes or comments
- requests for sexual favours
- persistent requests to go out, where they are refused
- sexually explicit conversations
- displays of offensive material such as posters, screen savers, internet material etc.
- accessing or downloading sexually explicit material from the internet
- suggestive comments about a person’s body or appearance
- sending rude or offensive emails, attachments or text messages.

Some types of sexual harassment may also constitute offences under the criminal law.

## Bullying

### What is workplace bullying?

Workplace bullying is repeated, unreasonable behaviour by an individual or group of individuals, directed towards a worker or a group of workers that creates a risk to health and safety. It includes both physical and psychological risks and abuse.

'Repeated behaviour' refers to the persistent nature of behaviour and can refer to a range or pattern of behaviours over a period of time (for example, verbal abuse, unreasonable criticism, isolation and subsequently being denied opportunities – i.e. a pattern is being established from a series of events).

'Unreasonable behaviour' means behavior that a reasonable person, having regard to all the circumstances, would view as unreasonable in the circumstances and may result in that employee feeling victimised, humiliated, undermined or threatened by that behaviour.

#### Examples of workplace bullying

Bullying behaviors can take many different forms, from the obvious (direct) to the more subtle (indirect).

The following are some examples of both direct and indirect bullying.

Direct bullying includes:

- abusive, insulting or offensive language or comments
- spreading misinformation or malicious rumours
- behaviour or language that frightens, humiliates, belittles or degrades, including over-criticising, or criticism that is delivered with yelling or screaming
- displaying offensive material
- inappropriate comments about a person's appearance, lifestyle, family, sexual preferences or any personal or private matter
- teasing or regularly making someone the focus of pranks or practical jokes
- interfering with a person's personal property or work equipment
- harmful or offensive initiation practices.

Indirect bullying includes:

- unreasonably overloading a person with work, or not providing enough work
- setting timeframes that are difficult to achieve, or constantly changing them
- setting tasks that are unreasonably below, or above, a person's skill level
- deliberately excluding or isolating a person from normal work activities
- withholding information that is necessary for effective performance of the person's job
- deliberately denying access to resources or workplace benefit and entitlements (For example, training, leave etc.)
- deliberately changing work arrangements, such as rosters and leave to inconvenience a particular worker or workers.

The above examples do not represent a complete list of bullying behaviours. They are indicative of the type of behaviours which may constitute bullying and therefore are unacceptable to Cave Hill Creek.

A single incident of unreasonable behaviour does not usually constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour.

A person's intention is irrelevant when determining if bullying has occurred. Bullying can occur unintentionally, where actions which are not intended to victimise, humiliate, undermine or threaten a person actually have that effect.

Bullying is not an acceptable part of Cave Hill Creek's work culture. It is a significant OH&S issue of concern as it can cause harm to a person's health and wellbeing, both physical and psychological. Bullying may also be unlawful if it is linked to, or based on, one of the above-specified protected attributes covered by anti-discrimination legislation. Bullying in the workplace is harmful not only to the target of the behaviour but damages Cave Hill Creek's culture and reputation. It is unacceptable and will not be tolerated.

### **What does not constitute workplace bullying?**

Managing workplace participants does not constitute bullying, if it is done in a reasonable manner. Managers have the right to give reasonable directions and feedback, to allocate work and undertake disciplinary action. This does not constitute bullying or harassment, as long as Managers:

- Are consistent and fair
- Treat everyone with dignity and respect
- Clearly explain what is expected and what are the consequences of not performing/behaving
- Reprimand employees in private
- Allow employees an opportunity to put forward their case
- Keep to the facts, don't make feedback personal

Examples of reasonable management practices include but not limited to:

- setting reasonable performance goals, standards and deadlines in consultation with workers and after considering their respective skills and experience
- allocating work fairly
- rostering and allocating working hours in a fair and reasonable manner
- transferring a workplace participant for legitimate and explained operational reasons
- deciding not to select a workplace participant for promotion, following a fair and documented process
- informing a workplace participant about unsatisfactory work performance in a constructive way and in accordance with any workplace policies or agreements
- informing a workplace participant about inappropriate behaviour in an objective and confidential way
- implementing organisational changes or restructuring
- conducting performance management processes.

### **Rights and responsibilities**

All workplace participants must:

- understand and comply with this Policy
- ensure they do not engage in any unlawful conduct towards other workplace participants, customers/clients or others with whom they come into contact through work
- ensure they do not aid, abet or encourage other persons to engage in unlawful conduct
- follow the Complaints and Grievance Policy if they experience any unlawful conduct
- report any unlawful conduct they see occurring to others in the workplace in accordance with the Complaints and Grievance Policy
- maintain confidentiality if they are involved in the complaint procedure.

Workplace participants should be aware that they can be held legally responsible for their unlawful conduct.

Workplace participants, who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable

Managers and supervisors must also:

- Monitor and proactively maintain a working environment free from discrimination, harassment and bullying
- Assist workplace participants in the informal resolution of a complaint or a formal investigation
- Handle any complaints in a competent, timely and confidential manner, respecting the privacy of all involved
- Model appropriate behaviour
- Intervene promptly and appropriately when they witness, or are told about, unacceptable standards of conduct or behaviour

## **Complaints Process**

Management will treat all concerns and complaints quickly fairly and seriously. Treatment of complaints or reports will be undertaken in line with the Complaints and Grievance Policy. This document also outlines the process in which employees may raise issues of concern.

A complainant may choose at any time to access any available external avenues in relation to their complaint. External avenues may include: Fair Work Australia, the Australian Human Rights Commission, Victorian Equal Opportunity Commission (or relevant state authority), the Police or WorkSafe.

## **Breach of this Policy**

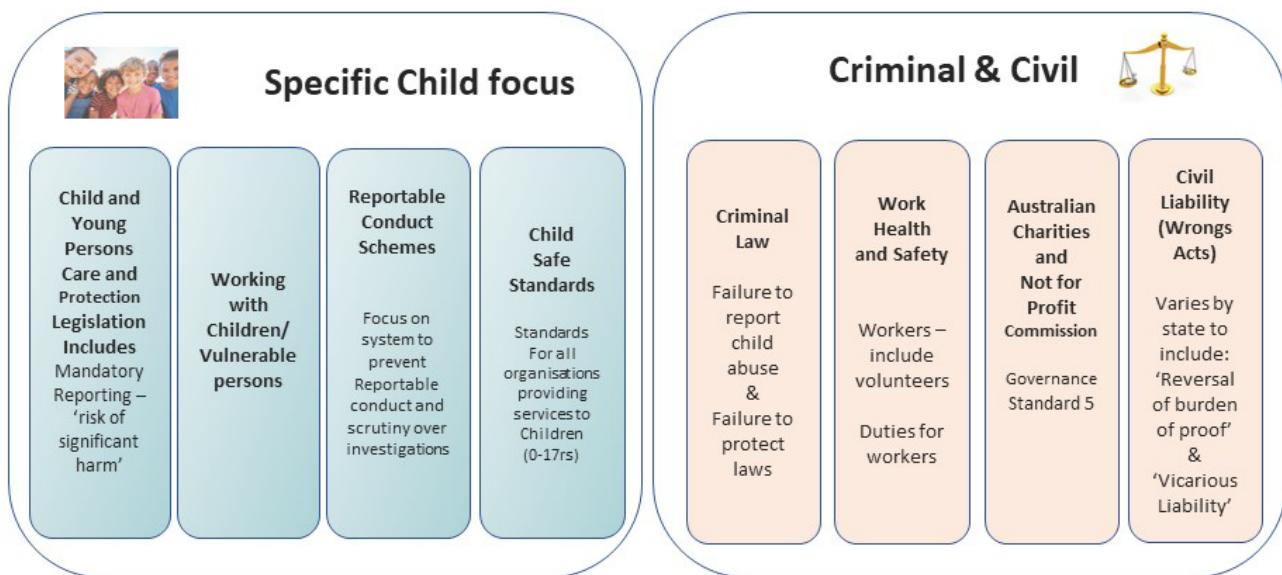
All workplace participants are required to comply with this Policy at all times. If an employee breaches this Policy, they may be subject to disciplinary action, up to and including, termination of employment. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with the Cave Hill Creek terminated or not renewed.

If a person makes an unfounded complaint or a false complaint in bad faith (e.g. making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), that person may be subject to disciplinary action, up to and including, termination of employment and may be exposed to a defamation claim.

**Cave Hill Creek may amend and vary this policy from time to time.**

## Part 4. Overview of Australian Legislation and Government Agencies Relevant to Child Safety

This section provides a list of, and references to, relevant Australian government agencies, and relevant legislation and state government websites, current (June 2023).



- The list is not exhaustive, but rather highlights the main legislation by state and territory.
- As these laws are amended regularly, the current official version of legislation should be checked. <https://legify.com.au>
- For child protection legislation see the Commonwealth Government's Australian Institute of Family Studies. <https://aifs.gov.au/cfca/publications/australian-child-protection-legislation>

***In general, venues need to be aware of, and comply with:***

- Duty of Care (civil litigation claims of negligence, WHS standards)
- Response to Complaints processes that uphold principles of natural justice (also known as procedural fairness)

***More specifically venues need to be aware of, and comply with:***

- Criminal Codes (including state-based crimes of failure to report and failure to protect in jurisdictions where these criminal offences apply – see state and territory lists below)
- Work Health & Safety and/or other occupational safety legislation
- Civil Law (Wrongs) Acts or equivalent
- Child Safe Legislation (June 2023 -Victoria 11 Child Safe Standards)
- Child Protection Legislation (including Care and Protection laws, Working with Children Check laws, Reportable Conduct Schemes)
- Australian Standards (e.g. building)
- Copyright and music playing licences such as APRA, CCLI, CAL licences
- Local government food preparation and storage guidelines

## **Commonwealth**

- National Office for Child Safety  
<https://www.childsafety.gov.au/>
- eSafety Commission  
<https://www.esafety.gov.au>
- Human Rights Commission National Principles for Child Safe Organisations  
<https://childsafe.humanrights.gov.au/national-principles/download-national-principles>
  - Australian Human Rights Commission Act 1986  
<https://www.humanrights.gov.au/our-work/commission-general/publications/know-your-rights-about-us>
  - Privacy Act 1988  
<https://www.legislation.gov.au/Details/C2022C00361>
  - Privacy Regulation 2013  
<https://www.legislation.gov.au/Details/F2022C00068>
  - Disability Discrimination Act 1992  
<https://www.humanrights.gov.au/our-work/disability-rights/publications/disability-discrimination-act-25th-anniversary-easy-read>
  - Workplace Gender Equality Act 2012  
[https://www.dss.gov.au/sites/default/files/documents/11\\_2012/factsheet\\_amended\\_201112.pdf](https://www.dss.gov.au/sites/default/files/documents/11_2012/factsheet_amended_201112.pdf)
  - Racial Discrimination Act 1975  
<https://www.humanrights.gov.au/our-work/employers/racial-discrimination/publications/fact-sheet-racism-it-stops-me-community-service>
  - Family Law Act 1975  
<https://www.afp.gov.au/what-we-do/crime-types/family-law-kit>
  - Sex Discrimination Act 1984  
<https://humanrights.gov.au/our-work/sex-discrimination/publications/guidelines-special-measures-under-sex-discrimination-act>
  - The federal government has also ratified the *United Nations Convention on the Rights of the Child (1989)* [Ratified by Australian Parliament, 17 December 1990]  
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>
  - Australian Charities and Not-for-profits Commission (ACNC) Governance Standard 5: Duties of Responsible Persons
    1. Act with reasonable care and diligence
    2. Act honestly in the best interests of the charity and for its purposes.
    3. Not misuse the position of responsible person
    4. Not to misuse information obtained in performing duties
    5. Disclose any actual or perceived conflict of interest
    6. Ensure that the charity's financial affairs are managed responsibly
    7. Not allow a charity to operate while insolvent<https://www.acnc.gov.au/for-charities/manage-your-charity/governance-hub/governance-standards>

## **Victoria**

- Department of Families, Fairness and Housing  
<https://www.dffh.vic.gov.au/>  
Responsible for:

- Children and Youth and Families Act 2005  
<https://www.legislation.vic.gov.au/in-force/acts/children-youth-and-families-act-2005/133>
- Working with Children Check Victoria <https://www.workingwithchildren.vic.gov.au/>  
Responsible for:
  - Working with Children Check
- Worker Screening Act 2020  
<https://www.legislation.vic.gov.au/in-force/acts/worker-screening-act-2020/004>
- Worker Screening Regulations 2021  
<https://www.legislation.vic.gov.au/in-force/statutory-rules/worker-screening-regulations-2021/001>
- Commission for Children and Young People  
Responsible for:
  - Reportable Conduct Scheme (Child Safety and Wellbeing Act 2005 Part 5A)  
<https://content.legislation.vic.gov.au/sites/default/files/2022-12/05-83aa038-authorised.pdf>
  - Child Safe Standards (Child Safety and Wellbeing Act 2005 Part 6)  
<https://content.legislation.vic.gov.au/sites/default/files/2022-12/05-83aa038-authorised.pdf>
- Criminal Offences (Crimes Act 1958)  
<https://www.legislation.vic.gov.au/in-force/acts/crimes-act-1958/296>
  - Failure to disclose sexual offence committed against child under the age of 16 years (S.327)
  - Failure by a person in authority to protect a child from a sexual offence (S.49O)
  - Grooming for sexual conduct with a child under the age of 16 (S.49M)
- Civil Liability in relation to child abuse
  - Wrongs Act 1958 (Part XIII – Organisational liability for child abuse)  
<https://content.legislation.vic.gov.au/sites/default/files/2020-04/58-6420aa127%20authorised.pdf>
  - Legal Identity of Defendants (Organisational Child Abuse) Act 2018  
<https://content.legislation.vic.gov.au/sites/default/files/2020-04/18-18aa002%20authorised.pdf>
- Occupational Health and Safety Act 2004  
<https://www.legislation.vic.gov.au/in-force/acts/occupational-health-and-safety-act-2004/043>
- Change or Suppression (Conversion) Practices Prohibition Act 2021  
<https://content.legislation.vic.gov.au/sites/default/files/2023-02/21-3aa002-authorised.pdf>
- Equal Opportunity Act 2010  
<https://content.legislation.vic.gov.au/sites/default/files/2022-12/10-16aa030%20authorised.pdf>

## Part 5. Terminology

This set of definitions and terminology relates to words as they appear as legislated terms, or in common use, or as specifically used in the context of this Child Safe Venue Framework.

### Abuse

All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment, or commercial or other exploitation resulting in harm to health, survival, development or dignity, often in the context of a relationship of responsibility, trust or power (*adapted from the World Health Organisation definition*).

### Boundaries

Socially, culturally, and morally determined expectations of acceptable behaviour in human relationships. Boundaries can be spiritual, financial, physical, emotional, language, sexual and other inter-relational matters.

### Bullying

Repeated behaviour directed toward a person or persons which a reasonable person, having regard to all the circumstances, would regard as victimisation, humiliation, or undermining or threatening to the person or persons, and which creates a risk to their health and safety. Where it involves the use of information and communication technologies, it is often called cyberbullying. It can include:

- derogatory, demeaning or belittling comments or jokes about someone's appearance, lifestyle, background, or capability;
- communicating in an abusive manner;
- spreading rumours or innuendo about someone or undermining in other ways their performance or reputation;
- dismissing or minimising someone's legitimate concerns or needs;
- ignoring, or excluding someone from information or activities;
- touching someone threateningly or inappropriately;
- invading someone's personal space or interfering with their personal property;
- teasing, or making someone the brunt of pranks or practical jokes;
- displaying or distributing written or visual material that degrades or offends.

Behaviour which is not bullying includes:

- respectfully disagreeing with or criticising someone's beliefs or opinions;
- setting reasonable performance goals, standards or deadlines;
- giving reasonable directives, feedback or assessments of performance or behaviour;
- taking legitimate disciplinary action

(Anglican Church of Australia Code of Conduct, *Faithfulness in Service* (FIS))

### Child (Children)

A child is a person under the age of 18 years. In some jurisdictions a person who is 16 or 17 years of age is referred to as a Young Person for certain purposes.

### Child Abuse

Conduct in relation to a child as defined in the definition of abuse, above.

### Child Exploitation Material / Child Abuse Material

(Previously often referred to as child pornography). Material that describes or depicts a person who is or who appears to be a child – (a) engaged in sexual activity; or (b) in a sexual context; or (c) as the subject of torture, cruelty or abuse (whether or not in a sexual context) in a way that a reasonable person would regard as being, in all the circumstances, offensive. Child exploitation material can include any film, printed matter, electronic data, computer image and any other depiction.

### Child Wellbeing

*The list below provides guidance on factors that can impact a child's wellbeing. This is not an exhaustive list but may be useful to consider.*

- Physical, psychological and emotional health.

- *Access to and engagement with supportive services.*
- *Engagement in supportive relationships and connection to culture.*
- *Involvement in activities that will foster development.*
- *Access to resources for learning and development.*
- *Access to safe accommodation and nourishment.*
- *A safe and stable environment in which to live, learn and grow.*

(Source: <https://www.vic.gov.au/child-wellbeing>)

### **Child Safe Venue**

A place where the standards for child safe institution have been adopted, are actively implemented. In a Christian venue, this is also a God-honouring, a life-giving, & a harm-free venue for all people. A Child Safe Venue requires having prevention and response policies, procedures and implementation support in regard to duty of care, caring for vulnerable people, positions of power, codes of conduct, response to allegations of ministry misconduct or abuse, incident reporting, monitoring of practices; safe recruitment and the supervision of leaders.

### **Cultural Safety for Aboriginal and Torres Strait Islander People**

“Cultural safety has been described as ‘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’. It empowers people and enables them to contribute and feel safe to be themselves’.<sup>1</sup> “Cultural safety is about creating an environment that is safe for Aboriginal and Torres Strait Islander people. This means there is no assault, challenge or denial of their identity and experience” (source: <https://www.health.vic.gov.au/health-strategies/aboriginal-and-torres-strait-islander-cultural-safety>)

### **Civil Authorities**

The police and the relevant state or territory government child protection authority.

### **Code of Conduct**

A set of clearly-defined behavioural boundaries or behavioural expectations of the organisation.

### **Due Diligence**

Taking all reasonable steps to protect those for whom the organisation has responsibility. For example, in relation to employees this includes proper screening, interviewing, checking a potential worker’s background, checking referees. In terms of supervision this includes adequate supervision, i.e., Code of conduct, training, feedback and support.

### **Discrimination**

It is unlawful to discriminate against or harass a person in employment (or in the provision of goods and services) on the basis of a protected attribute. Protected attributes in Australia include; age, disability or impairment (physical, intellectual, mental or psychiatric – visible or invisible, temporary or permanent), race, colour, descent or national or ethnic origin, religious belief or activity, (except where such activities are directly in contradiction to the Christian values of the venue), gender identity, lawful sexual activity/sexual orientation, family, marital, parental or carer status, physical features, political opinion, belief or activity, industrial activity or membership of an industrial association, pregnancy or potential pregnancy, breastfeeding, medical record – (except where health and/or fitness would render a person incapable of safely undertaking a duty), irrelevant criminal record, employment activity, or personal association with a person who is identified by reference to any of the above attributes.

Discrimination is treating a person with an identified attribute or personal characteristic less favourably than a person who does not have the attribute or characteristic. Discrimination can be either direct or indirect.

### **Duty of Care**

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<sup>1</sup> Secretariat of National Aboriginal and Islander Child Care (SNAICC), with the help of Victorian Aboriginal Child Care Agency (VACCA), in partnership with the National Office for Child Safety created: Commonwealth of Australia, Department of the Prime Minister and Cabinet, Keeping our kids safe: cultural safety and the National Principles for Child Safe Organisations, 2021, p 7.

To do no intentional harm, to do all that is reasonably practicable to protect from harm, and to prevent harm. Duty of care is a legal responsibility to ensure the safety and wellbeing of all who participate in programs or activities of the organisation.

### **Emotional Abuse**

Acts or omissions that have caused, or could cause, emotional harm or lead to serious behavioural or cognitive disorders. Includes:

- subjecting a person to excessive and repeated personal criticism;
- ridiculing a person, including the use of insulting or derogatory terms to refer to them;
- threatening or intimidating a person;
- ignoring a person openly and pointedly; and
- behaving in a hostile manner or in any way that could reasonably result in another person feeling isolated or rejected.

### **Harassment**

Unwelcome conduct, whether intended or not, in relation to another person where the person feels, with good reason in all the circumstances, offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time.

Includes:

- making unwelcome physical contact with a person;
- making gestures or using language that could reasonably give offence, including continual and unwarranted shouting;
- making unjustified or unnecessary comments about a person's capacities or attributes;
- putting on open display pictures, posters, graffiti or written materials that could reasonably cause offence;
- making unwelcome communication with a person in any form (for example, phone calls, email, text messages); and
- stalking a person (FIS)

### **Hazards**

A source of danger that could result in harm if due care is not exercised.

### **Mandatory Reporting**

The legal requirement to report allegations of child abuse and neglect.

The people mandated to report, and the criteria for when it is mandatory to report, differs in each Australian state and territory.

### **Misconduct**

The unacceptable crossing of boundaries. Boundaries can be crossed unintentionally, negligently, or deliberately. There is a continuum of misconduct in ministry that extends from conduct that is generally considered minor through to abuse that is also criminal. This broad definition takes into account the failure to respect, to esteem or to value a person. Misconduct incorporates disrespectful thinking and actions towards another person.

### **Negligence**

Failure to act prudently by not applying the standard of care, that a "reasonable person" would exercise in the situation, or under the same circumstances.

### **Neglect**

Failure to provide the basic necessities of life where a child's health and development are placed at risk of harm. It includes being deprived of: food, clothing, shelter, hygiene, education, supervision and safety, attachment to and affection from adults; and medical care.

### **Person Associated with the Organisation**

A person who is involved with the governance, the management, the provision of services, is employed by, is

a volunteer, is a member, uses the programs or attends the events of our organisation.

### **Reasonable Standard of Care**

Level of care that a user may reasonably expect that office holders will take in providing any program, activity, service, or facility.

### **Reasonable Foresight**

A responsibility that office holders need to take when planning activities for children and young people, to identify any reasonably foreseen danger/risk and take reasonable steps to prevent or avert such risk.

### **Reportable Incident**

A single event or set of events where injury, harm, abuse or loss occurs. A *critical incident* is an event or set of circumstances resulting in *significant* physical or psychological outcomes or fatality for one or more people.

### **Reportable Employee Conduct**

In jurisdictions where Reportable Employee Conduct schemes exist (NSW, ACT, Vic, WA & TAS) this term refers to allegations or reports of behaviours by employees deemed as being harmful to children and therefore reportable to the relevant government agency. Broadly the types can include: sexual offences, sexual misconduct, physical assault, neglect and significant emotional harm (see legislation section of the framework for weblinks to relevant state and territory definitions). The designated government agency has powers to ensure that organisations have systems in place for preventing Reportable Employee Conduct and to ensure organisations appropriately investigating allegations (oversight).

### **Risk**

Exposure to the possibility of such things as economic or financial loss or gain, physical damage, injury or delay, as a consequence of pursuing or not pursuing a particular course of action. The concept of risk includes: perception that something could happen, likelihood of it occurring, and consequences if it does occur.

### **Risk Management**

The process of managing your organisation's exposure to potential hazards. It does this by identifying risks in order to prevent them or reduce them, and by providing funds to meet any liability if it occurs. *Risk assessment* looks at what *might* happen, whereas *hazard identification* looks at what *is present* at the venue at a specific time.

### **Safe Environment**

'Safe' refers to an abuse-free and harm-free environment. Such an environment is also a friendly environment, i.e. Values and respects the rights of individuals. This includes the physical, emotional & spiritual environments. It assumes that foreseeable risks have been managed so as to ensure the safety of all people.

### **Serious Misconduct**

Conduct which, if proven to be more likely to have occurred than not (on the balance of probabilities), or admitted to, would lead to: restrictions being placed on a worker's role, or dismissal from a role or removal from a position (volunteer or paid). Includes: allegations of child abuse and neglect, sexual abuse, sexual misconduct, sexually inappropriate behaviour, financial impropriety, bullying behaviours, allegations of domestic and family violence and criminal activity.

### **Sexual Abuse of a Child**

"The WHO (2006, p. 10) defines child sexual abuse as: *The involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared, or else that violates the laws or social taboos of society. Children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility, trust or power over the victim.*

*Australian jurisdictional criminal laws are referred to in each of these types.*"

(Source: <https://aifs.gov.au/resources/policy-and-practice-papers/what-child-abuse-and-neglect>)

### **Sexual Grooming**

*“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. Young people are often ‘groomed’ before they are sexually abused. At first, they may be tricked into thinking they are in a safe and normal relationship so they may not know it’s happening or may feel they have no choice but to be abused. It may be hard to identify when someone is being groomed until after they have been sexually abused, because grooming behaviour can sometimes look like ‘normal’ caring behaviour, however this is not always the case.”* (Source: <https://www.safeguardingservices.com.au/grooming/>)

### **Sexual Exploitation**

Refers to any form of sexual contact, or invitation to sexual contact with an adult, with whom there is a pastoral or supervisory relationship, whether or not there is consent and regardless of who initiated the contact or invitation. It does not include such contact or invitation within a marriage (FIS).

### **Trauma-informed Approach**

*“Trauma is an event or events in which a person is threatened or feels threatened. Trauma also describes the impacts of the event or events on a person and the ongoing impact on a victim-survivor’s psychological wellbeing. … A trauma-informed approach involves understanding, recognising and responding to the effects of trauma and stress on a person. This aims to safeguard individuals from further harm. Organisations should work with children in ways that give them opportunities to safely participate without causing them undue distress or harm.”* (Source: Victorian CCYP – Guide for Creating a Child Safe Organisation 2022.p21)

### **Vulnerable Person**

*“A vulnerable person is a child under the age of 18 years or an adult who is experiencing disadvantage who accesses a regulated activity or service related to the disadvantage”* (Source: Working with vulnerable persons check ACT). Another definition from the ACNC: *“people aged under 18 or other individuals who may be unable to take care of themselves or are unable to protect themselves against harm or exploitation.”* (Source: <https://www.acnc.gov.au/tools/topic-guides>).

### **Vicarious Liability**

Liability that an organisation or person may be determined to have for the conduct of those who act on its behalf, whether the conduct is authorised or not e.g. employees.

### **Work, Health & Safety (WHS)**

Refers to the framework enshrined in commonwealth and state legislation by which employers & employees are to ensure safe work environments (including paid & volunteer employees). This legislation applies in all Australian jurisdictions apart from Victoria and Western Australia, who have specific occupational health & safety requirements.

### **Worker or Employee**

All paid and unpaid persons engaged in employment by the organisation. Includes staff, management roles, leaders, team members, volunteers, and casual helpers.

# Framework Implementation Forms

## 6.1 Child Safety Officer Position Description

### 1 Selection

- The role is not only a child protection reporting role, but rather an implementation/oversight of procedure role.
- The role has pastoral care and risk management elements to it.
- A senior person in the organisation should fulfil this role, in larger organisations where there is to be a team, 1-3 other suitably qualified persons to bring a mix of gender and skills to the team, such pastoral, social work/counselling and legal representation is advisable (where possible).

### 2 Role Description General

- to be the organisation's hub for child safety
- assist employees in dealing with child safety concerns that arise
- to promote awareness of and adherence to the agency/organisation's Child and Vulnerable Person Safe Venue Framework

### 3 Specific Roles

#### a. Implementation of Child and Vulnerable Person Safe Venue Framework

- implementing the Framework within Cave Hill Creek
- preparing reports for the Management Group
- keeping records relating to the Framework

#### b. Reporting

- receiving concerns from employees
- supporting employees in following the procedure for responding to child protection concerns
- contacting the relevant stakeholder in the organisation (e.g. Head of Organisation to discuss action plan/appropriate action
- making any reporting calls (to child protection services and/or police) as required
- ensuring the concern and subsequent response has been appropriately documented
- in the event of a complaint or concern regarding a worker:
  - informing the Head of Organisation
  - assisting in pastoral, legal, procedural and risk management of the matter
- keeping records, filing complaints and reports of investigations in a secure central file, in accordance with the record keeping procedure

## 6.2 Reportable Conduct Scheme

The Victorian Reportable Conduct Scheme seeks to improve organisations' responses to allegations of child abuse and neglect by their workers and volunteers. The scheme is established by the *Child Wellbeing and Safety Act 2005* (the Act).

The Reportable Conduct Scheme imposes new obligations on heads of organisations that are within the scheme. This includes requirements to:

- have in place systems to prevent child abuse and, if child abuse is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response
- ensure that the Commission is notified and given updates on the organisation's response to an allegation.
- 

The Reportable Conduct Scheme does not replace the need to report allegations of child abuse, including criminal conduct and family violence to Victoria Police.

### What types of conduct are reportable?

There are five types of 'reportable conduct' listed in the *Child Wellbeing and Safety Act 2005*:

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- physical violence (against, with or in the presence of, a child)
- behaviour that causes significant emotional or psychological harm
- significant neglect.

### What is a reasonable belief?

A reportable allegation is made where a person makes an allegation, based on a reasonable belief, that a worker or volunteer has committed reportable conduct or misconduct that *may* involve reportable conduct. This includes where a reportable allegation is made against the head of the organisation.

A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it is not the same as having proof and does not require certainty.

For example, a person is likely to have a reasonable belief if they:

- observed the conduct themselves
- heard directly from a child that the conduct occurred
- received information from another credible source (including another witness).

Heads of entity do not need to agree with or share the belief that the alleged conduct has occurred. However, they do not need to notify the Commission about the allegation if it is plainly wrong or has no basis at all in reality.

For further information about the Reportable Conduct Scheme, the Child Safe Standards, to talk through issues of concern, or to make a notification:

 Telephone us on: 1300 782 978

 Email us at: [contact@ccyp.vic.gov.au](mailto:contact@ccyp.vic.gov.au)

 Visit the Commission's website: [www.ccyp.vic.gov.au](http://www.ccyp.vic.gov.au)

If you need an interpreter, please call the Translating and Interpreting Service on 13 14 50 and ask them to contact the Commission for Children and Young People on 1300 782 978.

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service. For more information, visit: [www.relayservice.gov.au](http://www.relayservice.gov.au)

## Who is the ‘head of an organisation’?

The Managing Director of Cave Hill Creek Pty Ltd, trading as Cave Hill Creek, will assume the role of Head of Organisation for the purposes of the Victorian Reportable Conduct Scheme.

## What does the head of an organisation need to have in place?

Section 16K of the *Children Wellbeing and Safety Act 2005* requires the head of an organisation to:

• <b>Take a preventative approach to keeping children safe</b>	This includes acknowledging children are vulnerable to abuse and taking steps to reduce this risk in their organisation. An organisation’s response to meeting their obligations under Child Safe Standards will help the organisation take a preventative approach to child safety.
• <b>Have systems in place to enable anyone to notify their concern or allegation that conduct in line with reportable conduct may have occurred</b>	This includes having clear and well communicated systems to facilitate and support the reporting of concerns. Your organisation’s work to meet <a href="#">Child Safe Standard 7</a> will mean you will have internal reporting processes in place to notify allegations.
• <b>Have systems in place to allow other people to report to the Commission if the reportable allegation concerns the head of the organisation</b>	As there may be instances in which the actions of concern are alleged to have been taken by the head of your organisation, organisations must have policies and systems that enable other people in your organisation to notify the Commission of alleged reportable conduct.
• <b>Have investigation processes clearly defined and developed</b>	Once an allegation has been made, organisations must have processes in place to investigate the matter. In meeting <a href="#">Child Safe Standard 7</a> , your organisation should have developed systems and processes to respond to allegations and report the matter internally, to Victoria Police and other relevant authorities as required.

## What the head of an organisation must report to the Commission

Section 16M requires the head of an organisation to initially notify the Commission of a reportable allegation within three business days and update the Commission of progress within 30 calendar days. They must also investigate the reportable allegation and provide the findings of the investigation to the Commission. The Commission will seek the following information at various milestones.

Three business day notification	30 calendar day update	Advice on investigation	Outcomes of investigation	Additional documents
<ul style="list-style-type: none"> <li>• Name of the worker or volunteer</li> <li>• Date of birth</li> <li>• Police report</li> <li>• Organisation contact details</li> <li>• Head of organisation's name</li> <li>• Initial advice on the nature of the allegation</li> </ul>	<ul style="list-style-type: none"> <li>• Details of the allegation</li> <li>• Details of your response to the allegation</li> <li>• Details about any disciplinary or other action proposed</li> <li>• Any written response from the worker or volunteer about the allegation and the proposed disciplinary or other</li> </ul>	<ul style="list-style-type: none"> <li>• Name of investigator</li> <li>• Contact details</li> <li>• <b>As soon as practicable</b></li> </ul>	<ul style="list-style-type: none"> <li>• Copy of findings and reasons for the findings</li> <li>• Details about any disciplinary or other action proposed</li> <li>• Reasons for taking or not taking action</li> <li>• <b>As soon as practicable</b></li> </ul>	<ul style="list-style-type: none"> <li>• The Commission may request further documents from the head of the organisation</li> </ul>

The Commission will also publish *Investigation Standards* to help guide the approach of organisations. An



**It is an offence to fail to notify and update the Commission about reportable allegations.**

organisation's regulator or government funder may also have investigation requirements and supports. The head of the organisation must provide information to the Commission about any of these systems described above, if the Commission requests this in writing.

The Commission may make recommendations to the organisation to improve their practices and processes.

## Where to get help

For further information about the Reportable Conduct Scheme, the Child Safe Standards, to talk through issues of concern, or to make a notification:



Telephone us on: 1300 782 978



Email us at: [contact@ccyp.vic.gov.au](mailto:contact@ccyp.vic.gov.au)



Visit the Commission's website: [www.ccyp.vic.gov.au](http://www.ccyp.vic.gov.au)

If you need an interpreter, please call the Translating and Interpreting Service on 13 14 50 and ask them to contact the Commission for Children and Young People on 1300 782 978.

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service. For more information, visit: [www.relayservice.gov.au](http://www.relayservice.gov.au)

**VIC** Commission for Children and Young People

Reportable Conduct Scheme (Child Safety and Wellbeing Act 2005 Part 5A)

<https://content.legislation.vic.gov.au/sites/default/files/2022-12/05-83aa038-authorised.pdf>

### 6.3 Cave Hill Creek Safe Venue Poster



**LIVE THE OUTDOORS**

Our venue is a safe place for everyone.

We expect all visitors to

- **respect** each other
- **care** for each other's safety
- **report** any concerns about people's safety to the Child Safety Officer.

To ensure the safety of children

- there is to be no unsupervised visitor alone with a child or group of children
- all visitors must sign in and declare that they are a safe person, and that they will act in safe ways towards others

Name of Child Safety Officer: Angela Chandler

Report Hazards to: Josh Kors

#### 6.4 Campers's Feedback Form (SAMPLE)

We'd like you to tell us what you thought!

I came to [insert program/event name] \_\_\_\_\_

I liked \_\_\_\_\_

Something that I thought could be better \_\_\_\_\_

Something that I did not like so much was \_\_\_\_\_

Would you recommend [insert program/event name] to your friends?

YES / NO / MAYBE (circle one)

Why or why not? \_\_\_\_\_

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Any other comments? \_\_\_\_\_

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Thanks for your comments!

## 6.5 Parents/Caregivers Feedback Form (SAMPLE)

Your opinion matters to us. Please take a few minutes to talk to your child/ren about [insert program/event name] and then email us some feedback. You might like to use these questions to guide your comments.

Rate your child/children's overall experience at [insert program/event name]

- a. excellent
- b. good
- c. fair
- d. poor
- e. terrible

What was done well at [insert program/event name]? \_\_\_\_\_

---

---

What did your child like the most about [insert program/event name]? \_\_\_\_\_

---

---

What can we do better? \_\_\_\_\_

---

---

Any specific concerns you have & why? \_\_\_\_\_

---

---

Any other comments \_\_\_\_\_

---

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## 6.6 Reference Check Template

### REFERENCE CHECK

Applicant's Name:			
Referee's Name:		Referee's Position:	
Company Name:			
Contact Details:			
Reference Check Conducted By:		Date:	
Position title this reference check is for:			

Notification to provide to the Referee	YES	NO
Are you aware that the applicant has nominated you as a referee?	<input type="checkbox"/>	<input type="checkbox"/>
If No, are you prepared to continue with the reference check?	<input type="checkbox"/>	<input type="checkbox"/>
The purpose of this reference check is to assist Cave Hill Creek in evaluating the suitability of the applicant for the position identified above. We understand that the information you provide is personal information and we undertake to keep any reports of our conversation confidential.		
<b>We will not disclose our report to the candidate</b> unless we obtain your prior consent or unless requested by the Privacy Commissioner.		

1. What is the nature of the relationship between the referee and the job applicant (for example, former direct supervisor or work colleague)?
2. What were the applicant's main responsibilities in his/her position?
3. Could you comment on the aspects of the role that you believe were carried out particularly well by the applicant?

4. Alternatively, could you comment on the aspects of the role that the applicant could have been done better?
5. Could you describe the applicant's personality in a few words?
6. How were the applicant's relationships with others? (Peers, Subordinates, Managers)
7. Could you please list some of the applicant's outstanding strengths?
8. How do you think the applicant would handle conflicting priorities and deadlines?
9. Would you have any concerns re-employing the applicant?
10. As part of the Cave Hill Creek's commitment to the Child Safe Standards could you please advise if you have any concerns about the applicant working with children, youth or vulnerable people?
11. Are you aware of any allegations, breach of conduct or abuse pertaining to child safety or ethics with the applicant?

Please note: Two reference checks are required to be documented prior to any offer of employment

## 6.7 Sign in for Contractors and Guests



**LIVE THE OUTDOORS**

Please read this declaration and sign in to state that you will abide by the site expectations.

**In performing tasks on site, I agree to:**

- treat all people on site politely, with respect and dignity
- care for my own and others' safety
- not act in ways that will put people in danger
- follow any reasonable instruction given to me by the leadership

**I declare that I have not:**

- been convicted /committed any crime against a child
- been convicted /committed any sexually related offense

**All guests onsite during a children's program must be escorted unless they have a documented WWCC registered with our organisation.**

**By signing below and entering your details you are making this commitment to safety and declaration.**

## 6.8 Child Safe Incident Report Form

# CHILD SAFE INCIDENT REPORT

The child safe standards require organisations that provide services for children to have processes for responding to and reporting suspected child abuse. You can provide this resource to a child or their family if they disclose an allegation of abuse or safety concern in your organisation. Your staff can also use this resource to record disclosures.

All incident reports must be stored securely.

### Incident details

Date of incident:	
Time of incident:	
Location of incident:	
Name(s) of child/children involved:	
Name(s) of staff/volunteer involved:	

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

### Does the child identify as Aboriginal or Torres Strait Islander?

(Mark with an 'X' as applicable)

No

Yes, Aboriginal

Yes, Torres Strait Islander

### Please categorise the incident

Physical violence


Sexual offence

Serious emotional or psychological abuse

Serious neglect

### Please describe the incident

When did it take place?	
Who was involved?	
What did you see?	
Other information	

## Parent/carer/child use

Date of incident:	
Time of incident:	
Location of incident:	
Name(s) of child/children involved:	
Name(s) of staff/volunteer involved:	

## Office use:

Date incident report received:	
Staff member managing incident:	
Follow-up date:	
Incident ref. number:	

## Has the incident been reported?

Child protection	
Police	
Another third party (please specify):	

## Incident reporter wishes to remain anonymous?

(Mark with an 'X' as applicable)

Yes  No

## Further information

Further information on [child safe standards](#) can be found on the Department of Health and Human Services' website.

Additional resources for organisations in the child safe standards toolkit can be found on the [Department of Health and Human Services website](#). In particular, [An Overview to the Victorian child safe standards](#), has information to help organisations understand the requirements of each of the child safe standards, including examples of measures organisations can put in place, a self-audit tool and a glossary of key terms.

## 6.9 Cultural Safety - Child Safe Standard 1 Supporting Documentation

The following information is abridged from the CCYP Guide to the Child Safe Standards 2021

### Cultural safety and why it is important

Cultural safety has been described as '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'. It empowers people and enables them to contribute and feel safe to be themselves'.<sup>2</sup>

Cultural safety for Aboriginal children has been defined as 'the child being provided with a safe, nurturing and positive environment where they are comfortable with being themselves, expressing their culture... their spiritual and belief systems, and they are supported by the carer... (who) respects their Aboriginality and therefore encourages their sense of self and identity'.<sup>3</sup>

...

Identifying as Aboriginal is one part of a child's identity. Like everyone, Aboriginal people have different life experiences and characteristics. Organisations must provide supportive environments for Aboriginal children that recognise each person is unique, with their own characteristics, strengths and challenges.

Culture and identity are linked, and by supporting Aboriginal children to feel strong in their identity you also help them enjoy their cultural rights.

Achieving cultural safety involves understanding how an organisation is viewed and experienced by Aboriginal people and particularly by Aboriginal children.

...

Implementing Standard 1 requires organisations to consider attitudes and practices that are a barrier to providing a culturally safe environment, and to address racism in all its forms. It also requires individuals to reflect on their biases, and the organisation's community to increase its understanding of Aboriginal cultures.

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<sup>2</sup> Secretariat of National Aboriginal and Islander Child Care (SNAICC), with the help of Victorian Aboriginal Child Care Agency (VACCA), in partnership with the National Office for Child Safety created: Commonwealth of Australia, Department of the Prime Minister and Cabinet, Keeping our kids safe: cultural safety and the National Principles for Child Safe Organisations, 2021, p 7.

<sup>3</sup> SNAICC, Cultural safety, SNAICC website, 2021.

## Cultural rights are protected in law

Aboriginal cultural rights are protected through a range of Victorian, Commonwealth and international laws, including:

- the Declaration on the Rights of Indigenous Peoples
- the Convention on the Rights of the Child
- the International Covenant on Civil and Political Rights
- the Equal Opportunity Act 2010 (Vic)
- the Racial and Religious Tolerance Act 2001 (Vic)
- the Charter of Human Rights and Responsibilities Act 2006 (Vic).

...

In Victoria, the *Charter of Human Rights and Responsibilities Act 2006* (Vic) outlines Aboriginal cultural rights that are distinct and must not be denied to Aboriginal people. They include the right for Aboriginal people to:

- enjoy their identity and culture
- maintain and use their language
- maintain their kinship ties
- maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.<sup>4</sup>

There are many ways organisations can support children to express their culture and enjoy their cultural rights. These can include children:

- learning their histories, stories and traditions
- knowing where they come from and to whom they are connected
- being part of cultural practices, including arts, songs, dance and ceremonies
- learning and speaking their language without discrimination.<sup>5</sup>

When Aboriginal children enjoy these cultural rights:

- they are more likely to experience services that are culturally respectful<sup>6</sup> and experience cultural safety
- they feel respected and proud of their identity and culture
- they experience a culturally safe environment where they feel safe to speak up and trust that they will be heard.<sup>7</sup>

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<sup>4</sup> Charter of Human Rights and Responsibilities Act 2006 (Vic), s 19 (2).

<sup>5</sup> SNAICC, Keeping our kids safe: cultural safety and the National Principles for Child Safe Organisations, p 13.

<sup>6</sup> SNAICC, Keeping our kids safe: cultural safety and the National Principles for Child Safe Organisations, p 7.

<sup>7</sup> SNAICC, Keeping our kids safe: cultural safety and the National Principles for Child Safe Organisations, p 13.

## Tools and tips:

### Support Aboriginal children to enjoy their cultural rights

- Reflect on your understanding of what the cultural safety of Aboriginal children means to you and your organisation. What further information or training do you require?
- Make sure you have safe processes for Aboriginal children to identify as Aboriginal when accessing your services or activities, remembering that Aboriginal people have the right to determine their own identity.<sup>8</sup>
- Engage with Aboriginal children in your organisation around what makes them feel safe:
  - the Victorian Aboriginal Child Care Agency (VACCA) provides guidance in [Our Child's Voice – our children have the right to be heard](#) [pdf 4.4MB]
  - read the Commission for Children and Young People's [Empowerment and participation: a guide for organisations working with children and young people](#).
  - watch VACCA's [Keeping Aboriginal children safe in mainstream organisations](#) and reflect on what actions you can take to provide a culturally safe environment
  - talk to children about their rights. SNAICC has developed an educator's guide with activities aimed to help educators to talk about children's rights with children called '[Bringing child rights into your classroom](#)' [pdf 5MB].

### Acknowledging and appreciating the strengths of Aboriginal culture and understanding its importance to the wellbeing and safety of Aboriginal children

[NAIDOC](#) Week celebrations are held across Australia each July to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander peoples. NAIDOC is celebrated by Aboriginal and non-Aboriginal communities. NAIDOC is a great opportunity to participate in a range of activities and to support your local Aboriginal community.

Organisations must help their community understand the strength of Aboriginal culture. Culture is central to the safety and wellbeing of Aboriginal children, so it needs to be supported across all levels of your organisation.

Celebrating the strengths of Aboriginal culture helps an organisation to be inclusive. At the same time your organisation will need to help those involved with it understand the ongoing impacts of Australia's colonial history on Aboriginal children today.

Individual members of your organisation's community will be at different stages in their understanding. You will need to develop strategies that support staff and volunteers along the journey to increase knowledge and understanding.

The journey towards knowledge and understanding within your organisation should not be a passive one. Members of the organisation's community should know how to look for information to strengthen their learning and understanding.

## Tools and tips:

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<sup>8</sup> Article 33(1) of the [United Nations Declaration on the Rights of Indigenous Peoples](#), United Nations website.

## **Training, guidance and information can improve understanding of Aboriginal culture**

Learning about Aboriginal culture should be part of an ongoing journey tailored to meet the specific needs of the different groups in your organisation. It will be important to build awareness and understanding among leaders, staff and volunteers, children and other members of your community. Think about the different support they might need, depending on their role and responsibilities.

Cultural awareness and cultural safety training is one important way to increase knowledge and understanding.<sup>9</sup> Many local Aboriginal organisations deliver cultural awareness training either online or in person. Staff and volunteers may also be able to attend professional development opportunities like conferences or workshops. Your organisation could also consider arranging tailored onsite training or workshops.

There are also other ways to support learning about Aboriginal cultures and Australia's colonial history, particularly for organisations with limited resources. Free and accessible information is available online. Learning for your organisation's community could involve reading, visiting websites, watching videos and hosting discussions.

You can also encourage your community to attend Aboriginal events and activities. This can assist in building understanding and a rapport with local Aboriginal communities.<sup>10</sup>

Staff and volunteers in a child safe organisation celebrate diversity and the opportunity to work with Aboriginal people, acknowledge the gaps in their knowledge and commit themselves to ongoing cultural supervision and training.<sup>11</sup>

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<sup>9</sup> SNAICC, [Keeping our kids safe: cultural safety and the National Principles for Child Safe Organisations](#), p 30.

<sup>10</sup> SNAICC, [Keeping our kids safe: cultural safety and the National Principles for Child Safe Organisations](#), p 26.

<sup>11</sup> SNAICC, [Keeping our kids safe: cultural safety and the National Principles for Child Safe Organisations](#), p 25.

## Tools and tips:

### Appreciate Aboriginal culture and how it supports safety and wellbeing

- Find out about the Traditional Owners of the land/s on which your organisation operates at the [Map of formally recognised Traditional Owners in Victoria](#) and learn about [acknowledging Traditional Owners](#). Make it standard practice in your organisation to demonstrate respect for Traditional Owners and Aboriginal people's ongoing connection to Country.
- Share resources to build knowledge and understanding in your organisation:
  - [Australians Together](#) has information on our shared history, Aboriginal culture and connection to land, including free resources to build understanding in different settings.
  - [VACCA](#) has a cultural hub providing resources that celebrate Aboriginal culture.
  - [Deadly & Proud](#) and [Deadly Questions](#) share information and stories of Aboriginal cultures from all over Victoria.
  - [The Healing Foundation](#) provides resources on racism, identity, culture and healing, through Aboriginal and Torres Strait Islander voices and experiences, including through the [Healing Our Way podcast](#).
  - The [Victorian Equal Opportunity & Human Rights Commission](#) provides guidance on Aboriginal cultural rights and how they are protected by Victoria's *Charter of Human Rights and Responsibilities Act 2006* (Vic).
- Visit an Aboriginal cultural learning centre, such as [Koorie Heritage Trust](#) (Melbourne), [Bunjilaka Aboriginal Cultural Centre](#) (Melbourne), [Brambuk Cultural Centre](#) (Grampians), [Bangerang Cultural Centre](#) (Shepparton), [Krowathunkooloong Keeping Place](#) (Bairnsdale), or [Narana Aboriginal Cultural Centre](#) (Geelong region).
- Celebrate events like [NAIDOC week](#), [National Reconciliation Week](#) and [International Day for the Elimination of Racial Discrimination](#), and encourage participation across the organisation.

## Ensuring racism within the organisation is identified, confronted and not tolerated

Racism means mistreating someone because of their skin colour, ethnicity or cultural background. It can take many forms and occur in different situations. It can include harassment, abuse or humiliation, or in some cases, violence or intimidation. Name calling and hurtful jokes are also forms of racism, as is excluding people from groups or activities.<sup>12</sup>

Many people experience racism. Surveys show that approximately 20% of Australians experience discrimination because of their skin colour, ethnic origin or religion.<sup>13</sup> Aboriginal people, migrants and refugees report higher levels of racism.<sup>14</sup>

Racism can occur privately in one-on-one interactions or openly in public spaces, like a classroom or sporting field. People can be racially targeted on social media platforms. Racism is experienced by individuals, groups of people or whole cultures. It can be the words, actions or omissions of an individual or group of individuals or it can be reflected in the values and the ways an organisation responds to racism.<sup>15</sup>

In organisations, racism can occur through the attitudes and actions of staff, volunteers, leaders or members of your community. These actions and attitudes could be explicit and obvious or the result of people's unconscious beliefs and assumptions. Racism can be directed towards children and families using an organisation's services or experienced by staff or volunteers. Sometimes children experience racism directed at them from other children.

Racism can also occur because of an organisation's culture. Perhaps the organisation is not welcoming for people of different cultures or backgrounds. Or the organisation's systems and practices result in the unfair treatment of some groups compared to others. This is often referred to as **systemic racism**.<sup>16</sup> For Aboriginal people, systemic racism is a continuing legacy of the racist policies and practices of Australia's colonial history.

Careful consideration is needed to uncover systemic racism. Organisations will need to closely examine their history and practices to see if they have developed any barriers to participation or assumptions about certain groups or cultures over time.

Sometimes racism can be expressed through **unconscious bias**. This is an attitude towards a person or a group of people that we may not be aware of. It can be expressed through positive impressions—where we associate positive attributes or characteristics based on someone's skin colour, surname or where they come from. In other cases, unconscious bias arises from negative impressions about particular groups.<sup>17</sup>

Organisations must identify and respond to racism. Racism is harmful for children and impacts their safety and wellbeing. It can be a form of child abuse. If children and their families experience racism while interacting with your organisation, they also may not feel confident raising other concerns or complaints. Staff will not speak up if they do not think their concerns will be taken seriously.

Some of the ways you can work towards preventing racism in your organisation are explained below.

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<sup>12</sup> Australian Human Right Commission, [Learn about racism](#), AHRC website, 2020.

<sup>13</sup> Andrew Markus, [Mapping social cohesion: the Scanlon Foundation surveys 2018](#), the Scanlon Foundation Research Institute, 2018, p 67.

<sup>14</sup> AHRC, [Learn about racism](#).

<sup>15</sup> AHRC, [Learn about racism](#).

<sup>16</sup> AHRC, [Learn about racism](#).

<sup>17</sup> AHRC, [Learn about racism](#).

## Values and culture

Organisations should first look to their values, culture and practices.

Your organisation could aim to develop an anti-racist culture. Many people and organisations would describe themselves as not being racist, but organisations need to go further and challenge racism when it is identified. Being anti-racist means we actively take every opportunity to fight racism. It may be through directly challenging someone who makes a racist comment or joke, even if this makes us uncomfortable. It is about proactively taking a stand to combat racism.<sup>18</sup> Your organisation could make a positive commitment to tackle racism, promote equality and reflect values of inclusion.<sup>19</sup>

Identifying and acknowledging systemic racism and unconscious bias may need more consideration but are important steps when embedding an anti-racist culture. You will need to look closely at your existing systems and practices to identify gaps and areas to improve. Until your organisation reflects on, understands and commits to changing, real cultural change will not happen.

Does your organisation's staffing profile reflect the diversity of the community you work with? If not, you can consider targeting advertising for job vacancies or volunteer opportunities to attract people from diverse backgrounds and cultures.

## Identifying and confronting racism

Your organisation's values should clearly reflect zero tolerance of racism. This can be expressed in the statement of commitment to child safety included in your Child Safety and Wellbeing Policy and other documents. Action must also be taken to embed this expectation of zero tolerance of racism throughout the organisation.

Taking complaints about racism seriously, and responding to them promptly and thoroughly, shows that racism will not be tolerated in your organisation. Your organisation's complaint handling policy should clearly set out the process for making complaints about racism and who is responsible for dealing with them. Some organisations appoint cultural safety officers who receive and act on these types of complaints.

Your Code of Conduct must clearly set out expectations for staff and volunteer conduct that racist behaviour will not be tolerated. It should also include a positive expectation that staff and volunteers will act to promote an inclusive and respectful culture within the organisation.

Expectations regarding racism should also be made clear where an organisation has members such as a sporting club or faith-based organisation. Some organisations are member-based or have significant community involvement. You will need to develop strategies to confront any racist behaviour in the members of your organisation's community.<sup>20</sup> Racist 'sledding' or abuse from spectators of children's sport or other activities must not be tolerated.

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<sup>18</sup> J Amaechi, Not racist v anti racist, what's the difference?, BBC website, 2020.

<sup>19</sup> Australian Human Rights Commission, Concept paper for a National Anti-Racism Framework, AHRC website, 2021.

<sup>20</sup> See for example, L Behrendt and L Coombes, Do better report [pdf 1.3MB], Collingwood Football Club, 2021.

If racism occurs in your organisation's community there should be clear consequences. Disciplinary action should be taken with staff and volunteers and other appropriate action for members or your community.

Remember that racist behaviour can occur between children. Your child safety and wellbeing policies and practices should set out clear expectations for their behaviour and the consequences if racist behaviour does occur. This needs to consider the context of the behaviour and how the situation could be used as an opportunity for learning.

Governance arrangements in your organisation should ensure that leaders are aware of any issues of alleged racism and are able to oversee the organisation's response to these issues.

### Tools and tips:

#### Racism in the organisation is not tolerated and any instances of racism are addressed

- Review your policies and practices to identify any gaps and areas for improvement.
- Check your physical and online environments to see how welcoming they are for children and families of different cultures and religious backgrounds.
- Learn more about racism through the Australian Human Rights Commission's [Racism. It stops with me](#) online resources.
- Learn more about being a good [ally to Aboriginal Australians](#).
- Address gaps in your organisation's approach to racism by spectators and other members of your community with the Australian Human Rights and Equal Opportunity Commission's [Guide to addressing spectator racism in sports](#).
- Learn more about your own bias by taking the [Implicit Association Test](#).
- Watch Stan Grant's landmark speech [The Australian Dream](#) and Cally Jetta's [Australia we need to talk](#) TedX talk.

#### Participation and inclusion by Aboriginal children and their families

Making a child's family feel welcome and included in an organisation contributes to their safety.<sup>21</sup> The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) identified involvement of family in organisations as a key element in creating a child safe organisation.<sup>22</sup> Preventing racism needs to extend to how families are treated in your organisation so they are encouraged to participate. When thinking about how to support inclusion and facilitate participation in your organisation, it is important to remember that for Aboriginal children, culture and family go hand in hand.

'Family is the cornerstone of Aboriginal and Torres Strait Islander culture, spirituality and identity. Family is often more broadly defined within Aboriginal and Torres Strait Islander culture than within white culture. Those involved in children's lives, and helping to raise them,

<sup>21</sup> State of Victoria, Department of Health and Human Services, [Balit Murrup: Aboriginal social emotional wellbeing framework 2017–2027](#), 2017.

<sup>22</sup> Royal Commission, [Final report: Volume 6, Making institutions child safe](#), 2017, pp 143 and 164–169.

commonly include grandparents, aunts, uncles, cousins, nieces and nephews, and members of the community who are considered to be family.' – SNAICC<sup>23</sup>

Acknowledging and celebrating Aboriginal culture is one way you can communicate culture as a strength. This may help build trust with Aboriginal children and their families that you support their cultural rights and cultural expression.

To make Aboriginal children and their families feel respected and welcome, you could:

- design events and meetings involving families to be inclusive for everyone and acknowledge Traditional Owners as part of proceedings
- discuss Aboriginal role models and share stories about the contribution Aboriginal people have made and celebrate culture in a positive, empowering way
- display positive Aboriginal symbols in your physical space, for example, you could:
  - display plaques or posters acknowledging the Traditional Owners and include acknowledgments in your organisation's email signatures
  - display the Aboriginal flag
  - purchase and display Aboriginal artworks
  - create a community or gathering space that honours Aboriginal people and culture or consider renaming existing spaces in your organisation's facilities
- reflect diversity in the way you communicate information by using inclusive images and language
- have conversations with children and their families about aspects of their cultural identity
- respect the right of Aboriginal children and/or their families to choose if they do not want to share their cultural identity.

To build on relationships with family and community in your organisation you could:

- find positive ways to encourage family participation
- involve family and other significant people in your services and activities
- develop a relationship with an Aboriginal organisation that can provide peer support to help your organisation improve cultural safety and support your engagement with family and community – it is good practice to recognise this contribution by paying for this support and assistance
- ask Aboriginal children and their families engaged with your organisation what works for them, because they should define what feels culturally safe.

Remember it is not the responsibility of Aboriginal families to educate and inform your organisation. It is your responsibility to make your organisation inclusive, and this requires education, reflection and positive action.

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<sup>23</sup> SNAICC, Connection to family, Connecting to Culture website, 2022.

*'If you don't get to know kids, build trust and understand their family and culture, kids are unlikely to talk with you about the tough stuff.'* – SNAICC<sup>24</sup>

## Tools and tips:

### Reviewing participation and inclusion by Aboriginal children and their families

- Review how welcoming your organisation is towards Aboriginal children and their families. What makes it welcoming? For example, consider how the presence of Aboriginal culture is included and embedded in the physical environment, attitudes and values.
- Review how proactive your organisation is in including Aboriginal children and their families. How do you include them? What roles do they have, including leadership roles?
- What gaps or roadblocks have you identified? How might these be addressed? What resources might you need (financial, staffing, time, training, etc.)?

### Policies, procedures, systems and processes

Creating culturally safe organisations requires all the organisation's policies, procedures, systems and processes to consider and meet the needs of Aboriginal children and their families.

Broad statements of support or acknowledgment of Aboriginal culture are important, but these alone will not generate safety for children. How you approach creating cultural safety needs to be embedded throughout the organisation.

A good place to start is to look at what your organisation already does to provide cultural safety and identify any gaps.

Start a review of your organisation's policies and practices to make sure they support cultural safety and inclusion and meet the needs of Aboriginal children and families. Some questions to ask include:

- Do your policies address accessibility, anti-discrimination, cultural safety, diversity and inclusion? Do they outline measures specific to the needs of Aboriginal children?
- Does your Code of Conduct require staff and volunteers to support Aboriginal children to enjoy their cultural rights? Does it clearly prohibit racism? Does it outline the steps that will be taken if racism occurs?
- Do you commit to cultural safety in public statements and position descriptions?
- Does the training, guidance and information you provide staff and volunteers build understanding of Aboriginal culture and history and support cultural safety? Are there discussions with staff and volunteers about Aboriginal culture and history?

You may need to make time for discussion and reflection to identify the more systemic changes needed to bring about cultural safety. Some further questions to consider include:

- Are there key people within your organisation, your peak body or association that you can start a discussion with?

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<sup>24</sup> SNAICC, Keeping our kids safe: cultural safety and the National Principles for Child Safe Organisations, p 13.

- How can you seek feedback from Aboriginal people accessing your organisation's services or facilities? Is it appropriate to offer the ability to provide feedback anonymously to increase Aboriginal people feeling safe?
- How will you commit to delivering change in your organisation once you have identified what needs to happen, so that cultural safety is created and not just talked about?
- How much of a priority have the specific safety needs of Aboriginal children been in the past? What needs to change to make them more of a priority?

Organisations are at different stages of their cultural safety journey and the process is one of continuous improvement. Your organisation should plan to review and improve its approach to cultural safety every year.

For some organisations that have already undertaken significant work to generate cultural safety, the next steps may strengthen their approach by:

- developing a Reconciliation Action Plan (RAP) with help from staff and volunteers and Reconciliation Australia. If you have one already make sure staff and volunteers understand what your organisation is doing through its RAP.
- partnering with Aboriginal people to conduct a cultural safety review. For example, SNAICC has developed the Genuine Partnerships online audit tool.