

Child Safety and Wellbeing Policy 2020

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Purpose

The purpose of this policy is to outline Pacific Assist's commitment to child safety and wellbeing and to outline the policies and procedures to protect children and promote their positive development.

Scope

This policy applies to the organisation as a whole and to all Pacific Assist projects and is to be adhered to by all personnel, volunteers, partners, and service providers as it relates to their involvement with Pacific Assist and its projects.

Child Safety and Wellbeing Commitment Statement

Pacific Assist regards all children of all nationalities, cultures, backgrounds and identity as great treasures to be protected, nurtured, and given every opportunity to flourish and reach their highest potential. In harmony with our core principles of self-reliance, Pacific Assist believes children should participate in decisions that affect them, set their own goals and strategies, and have a voice and be listened to. We are committed to seeking the best interests of children and young people and providing safe environments where their rights, needs and interests are met. Our approach to child safety and wellbeing is guided by the principles of zero tolerance of child abuse; recognition of children's interests; sharing responsibility for safeguarding children and a risk management approach. Any alleged misconduct relating to children, including inappropriate language, inappropriate interactions, bullying, emotional, physical, or sexual abuse, and/or child pornography will be investigated thoroughly and reported to appropriate authorities in accordance with the laws governing child safety and wellbeing in Australia and other countries we operate in. Appropriate disciplinary action will be taken against anyone whose conduct breaches our child safety code of conduct, child safety and wellbeing policy, and the related procedures.

Pacific Assist understands its duty of care to take reasonable steps to protect children from the risks of injury that are reasonably foreseeable. We believe child safety and wellbeing are the responsibility of all directors, executive officers, members, service providers, partners, and volunteers. Pacific Assist directors consider child safety and wellbeing regularly in planning and board meetings, however, from a management perspective, Pacific Assist's Project Manager is appointed as the Child Safety Officer responsible to manage the implementation and regular review of the Child Safety and Wellbeing Policy and the related

procedures. Connected with this policy, Pacific Assist has a Child Safety and Wellbeing Code of Conduct that must be adhered to by all directors and executive officers, and all members, volunteers, partners, and service providers who work with, interact with, or work in the vicinity of children as part of their Pacific Assist project engagement. All Pacific Assist representatives and partners will receive comprehensive child safety and wellbeing training, and all relevant personnel will be required to read, agree to, and sign a copy of the Code of Conduct (relevant personnel includes all directors and executive officers, and all members, volunteers, partners, and service providers who work with, interact with, or work in the vicinity of children as part of their Pacific Assist project engagement).

Policy

The following child safety and wellbeing commitments, objectives, and procedures constitute Pacific Assist's child safety and wellbeing policy. The policy is intended to meet Australian standards and compliance obligations. However, it should also be applied to projects conducted outside of Australia. The policy, its related procedures, and the code of conduct are to be included in MOU's and project implementation manuals (adjusted as necessary to meet local laws and to fit within local circumstances and contexts).

Pacific Assist's Child Safety and Wellbeing Policies and Procedures		
	Organisational culture of child safety, including through effective leadership arrangements	
PA's Commitment	As part of our vision and mission to inspire self-reliance and our commitment to the 4 core principles of self-reliance (self-determination, personal responsibility and integrity, community, and a development mindset) Pacific Assist is committed to creating a culture where all children of all nationalities, cultures, backgrounds and identity are regarded as great treasures to be protected, nurtured, and given every opportunity to flourish and reach their highest potential. This means we are committed to seeking the best interests of children and young people and providing safe environments where their rights, needs and interests are met. As an organisation, we will consciously and systematically:	
	 Create an environment where children's safety and wellbeing is at the centre of thought, values and actions. Place emphasis on genuine engagement with and valuing of children and young people. Create conditions that reduce the likelihood of harm to children and young people. 	
	 Create conditions that increase the likelihood of identifying any harm. Respond to any concerns, disclosures, allegations or suspicions of harm. 	
	This is the commitment of our board of directors, and all other representatives of the organisation are expected to make the same commitment.	
Objectives	 To embed child safety and wellbeing in to organisational leadership, governance and culture. To assist leaders to make organisational decisions that protect and nurture children, and give them every opportunity to flourish and reach their highest potential To assist leaders stay informed and aware of the risks to child safety within the organisation, and to help them create child safe environments? 	
Procedures	 To create a culture of trust, inclusion, transparency, and openness. Create a dedicated child safety and wellbeing page on our website. Publish on this page Pacific Assist's statement of commitment to child safety and wellbeing, Child Safety and Wellbeing Code of Conduct, child safety and wellbeing protocols and practices, and other child safety and wellbeing resources including a link to the federal government's National Principles for Child Safe Organisations, E-learning modules. Spotlight and review the Pacific Assist's statement of commitment to child safety and wellbeing, Child Safety and Wellbeing Code of Conduct, and child safety and wellbeing protocols and practices in the annual report and as part of the annual general meeting. Once per month in the weekly planning and develop meeting include a training/professional development item specific to child safety and wellbeing on the agenda to either: 	
	> Review a section of Pacific Assist's child safety and wellbeing protocols and practises; or,	

	 View an online video, tutorial, or module on child safety and wellbeing (options include the federal government's National Principles for Child Safe Organisations, E-learning modules; the Vic. CCYP¹ Taking children's safety seriously - about the Child Safe Standards; Vic. CCYP About the Reportable Conduct Scheme; Vic. CCYP Child Safe Standards; and, Vic. CCYP Child Safe Standards presentations [Standards 1 – 7]). Training content must include guidance on: Recognising and responding to grooming, neglect and other forms of child harm or abuse; Responding to disclosures of child harm or abuse, including recognising the different ways that children may disclose; The Code of Conduct, and the responsibility to comply with it and the responsibility to report non-compliance by others; Responsibilities under the complaint handling policy, including privacy considerations and record keeping obligations; The obligations to report complaints of child harm or abuse to external authorities. Follow the same practice outlined in the previous point every second quarter for the quarterly board of directors meeting. All Pacific Assist directors and executive officers are to complete the federal government's National Principles for Child Safe Organisations, E-learning modules once every two years. Each board member and the projects manager are to undertake 4 self-determined professional development projects per year. Of these, one should include a focus on child safety and wellbeing. Incorporate the introduction of Pacific Assist's statement of commitment to child safety and wellbeing, Child Safety and Wellbeing Code of Conduct, and child safety and wellbeing protocols and practices and how they relate to Pacific Assist's vision, mission, and 4 core principles of self-reliance into the director and member recruitment, appointment notifications, and induction processes.
	Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel
PA's Commitment	Pacific Assist believes child safety and wellbeing are the responsibility of all directors, executive officers, members, service providers, partners, and volunteers. We are committed to ensuring all those who work for or engage with Pacific Assist are suitably qualified for the role/s they perform in general and specifically in relation to child safety and wellbeing. All Pacific Assist representatives and partners will receive comprehensive child safety and wellbeing screening, training, and supervision and all relevant personnel will be required to read, agree to, and sign a copy of the Child Safety and Wellbeing Code of Conduct (relevant personnel includes all directors and executive officers, and all members, volunteers, partners, and service providers who work with, interact with, or work in the vicinity of children as part of their Pacific Assist project engagement).
Objectives	 Identify suitably qualified personnel, volunteers, partners and service providers in relation to child safety and wellbeing. Educate all personnel, volunteers, partners, and service providers on their duty of care towards children and young people. Educate all relevant personnel about Pacific Assist's child safety and wellbeing policies and procedures (relevant personnel includes all directors and executive officers, and all members, volunteers, partners, and service providers who work with, interact with, or work in the vicinity of children as part of their Pacific Assist project engagement).

¹ Victorian Commission for Children and Young People.

• Educate all relevant personnel about Pacific Assist's Child Safety and Wellbeing Code of Conduct, and the expectation that all who engage with Pacific Assist are to abide by it (relevant personnel includes all directors and executive officers, and all members, volunteers, partners, and service providers who work with, interact with, or work in the vicinity of children as part of their Pacific Assist project engagement).

• Ensure appropriate supervision and accountability protocols and practices are in place for all personnel, volunteers, partners, and service providers who work with children and young people.

Procedures

- Include Pacific Assist's statement of commitment to child safety and wellbeing, Child Safety and Wellbeing Code of Conduct, and child safe questions for pre-interview screening in all communications and documents related to recruiting personnel, volunteers, and service providers and establishing partnerships
- Provide role descriptions for all personnel, volunteers, partners, and service providers that specifically outline responsibilities relating to children.
- For any position where a person will be responsible to lead, teach, or mentor children conduct a face-to-face interview utilising child safe and values-based questions that assess:
 - > Motivation to work with children (personal and/or professional).
 - > Understanding of children's physical and emotional needs.
 - > Understanding of professional boundaries.
 - > Attitudes to children's rights and how they can be upheld.
 - > Values (honesty, integrity, reliability, fairness and non-discrimination) and attitudes towards working with children.
- For any position where a person will be responsible to lead, teach, or mentor children undertake three referee checks and ask questions such as:
 - > Have you observed the person interacting with children?
 - > Can you describe the types of relationships and interactions the person has had with children?
 - > Would you employ the person again?
 - > Do you have any concerns about the applicant working directly with children?
 - > Did you have any disciplinary matters relating to the person or concerns about their adherence with the organisation's Code of Conduct?
- For any position where a person will be responsible to lead, teach, or mentor children they must sign a statement of engagement outlining the conditions of the engagement, including:
 - > Complete compliance with the Child Safety and Wellbeing Code of Conduct.
 - > That any alleged breach of the Child Safety and Wellbeing Code of Conduct will be fully investigated, and appropriate reporting and disciplinary action taken
 - ➤ A three-month probationary period where either party may choose to cease the engagement. This includes engagements with partner organisations where MOU's and project implementation manuals incorporate the statement of engagement.

- All Australian personnel, volunteers, partners, and service providers are to produce a copy of a state specific, valid Working with Children Check card before commencing any work with Pacific Assist.
- All New Zealand based directors and all Pacific Assist *specific* volunteers who volunteer *regularly* are to complete the New Zealand Children's Worker Safety Check.

NOTE: Pacific Assist *specific* volunteers are those who engage in a project as a Pacific Assist representative. Examples of those who are **not** Pacific Assist specific volunteers include missionaries of The Church of Jesus Christ of Latter-day Saints (they are volunteers of The Church of Jesus Christ of Latter-day Saints), teachers and school representatives (they are representatives of their respective schools), and members of The Church of Jesus Christ of Latter-day Saints when they are participating in the project as part of an official church service project (they are volunteers of The Church of Jesus Christ of Latter-day Saints). It will be left to the discretion of the New Zealand directors which specific Pacific Assist volunteers volunteer *regularly*. However, as a rule of thumb, anyone who volunteers more than once every six months on Pacific Assist projects that involve them working with, interacting with, or working in the vicinity of children should be considered as being a regular volunteer.

- As part of project registration processes, introduce personnel, volunteers, partners, and service providers to Pacific Assist's statement of commitment to child safety and wellbeing, Child Safety and Wellbeing Code of Conduct, and child safety and wellbeing policies and procedures and how they relate to Pacific Assist's vision, mission, and 4 core principles of self-reliance.
- Have all volunteers, service providers, and partners (through an MOU) sign the Child Safety and Wellbeing Code of Conduct.
 Wherever possible, the code of conduct should be introduced in the context of Pacific Assist's broader commitment to child safety and wellbeing.
- Conduct project specific inductions for volunteers, partners, and service providers that provide an overview of Pacific Assist's vision, mission, the 4 core principles of self-reliance, and training in the policies, protocols, and practices relevant to their project including child safety and wellbeing.
- Once per month in weekly project planning and develop meetings include a training/professional development item specific to child safety and wellbeing on the agenda to either:
 - > Review a section of Pacific Assist's child safety and wellbeing protocols and practises; or,
 - ➤ View an online video, tutorial, or module on child safety and wellbeing (options include the federal government's National Principles for Child Safe Organisations, E-learning modules; the Vic. CCYP² Taking children's safety seriously about the Child Safe Standards; Vic. CCYP About the Reportable Conduct Scheme; Vic. CCYP Child Safe Standards; and, Vic. CCYP Child Safe Standards presentations [Standards 1 7]).
- All relevant personnel must receive training and guidance on: Recognising and responding to grooming, neglect and other forms
 of child harm or abuse; Responding to disclosures of child harm or abuse, including recognising the different ways that children
 may disclose; The Child Safety and Wellbeing Code of Conduct, and the responsibility to comply with it and the responsibility to
 report non-compliance by others; Responsibilities under the complaint handling policy, including privacy considerations and

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² Victorian Commission for Children and Young People.

	record keeping obligations; The obligation to report complaints of child harm or abuse to external authorities (relevant personnel includes all directors and executive officers, and all members, volunteers, partners, and service providers who work with, interact with, or work in the vicinity of children as part of their Pacific Assist project engagement). • When projects engage with specific groups of vulnerable children, invite relevant specialist to provide group specific training. • Pacific Assist representatives should always work in pairs or larger numbers of adults. As per the Child Safety and Wellbeing Code of Conduct, an adult representing Pacific Assist is never to be alone with a child, unless the adult is the parent or guardian of the child. • Using the Child Safety and Wellbeing Code of Conduct and the child safety and wellbeing policies and procedures, MOU's, and project implementation manuals as performance benchmarks, conduct at least annual personnel, volunteer, partner, and service provider performance reviews. Reviews should include: • Feedback from families and children. • Peer review. • Project Manager observations. • Reports of any complaints or accusations of alleged misconduct. • Utilise individual conversations, regular catch-ups, and feedback mechanisms such as suggestion boxes to check in with children and families on a regular basis that they feel safe, and that they are comfortable with the behaviour of the adults who
	work with them.
	Processes for responding to and reporting suspected child abuse
PA's Commitment	We are committed to encouraging and welcoming the reporting of concerns, and to responding to complaints promptly, thoroughly and fairly. Any alleged misconduct relating to children, including inappropriate language, inappropriate interactions, bullying, emotional, physical, or sexual abuse, and/or child pornography will be investigated thoroughly and reported to appropriate authorities in accordance with Australian and New Zealand law. Appropriate disciplinary action will be taken against anyone whose conduct breaches our Child Safety Code of Conduct, child safety and wellbeing policy, and the related procedures.
Objectives	 Ensure that both children and adults feel comfortable about and know how to make a complaint or report abuse Provide an appropriate and effective child focussed complaints and reporting process Ensure complaints and allegations are responded to, investigated, and reported promptly and appropriately Provide support and assistance to people affected by a complaint, including children, families, personnel, and volunteers Outline the disciplinary actions that could be taken in response to allegations made against personnel, volunteers, partners, and/or service providers Provide mechanisms for decisions to be challenged and reviewed Ensure that record keeping, information sharing, privacy and legal obligations are met
Procedures	 Use regular training and a variety of information communication tools to encourage children, families, personnel, volunteers, partners, and/or service providers to speak up when they are uncomfortable or concerned Ensure reporting processes are well-publicised and that personnel and volunteers are trained to use them.

As part of their training, ensure personnel, volunteers, partners, and service providers understand that as long as a report is made in good faith, the making of a report is not unprofessional conduct or a breach of professional ethics and the reporter cannot be held legally liable. Confidentiality is provided for reporters in the Children, Youth and Families Act 2005 (Victoria)³. This prevents the disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with the legislation except in very specific circumstances (Commission for Children and Young People, A Guide for Creating a Child Safe Organisation, 2018, p.50). Similarly, Section 16 of the Children, Young Persons and Their Families Act – 1989 (New Zealand) protects people who notify concerns of abuse in good faith from civil and criminal proceedings (New

https://www.childabuseroyalcommission.gov.au/sites/default/files/ACT.0005.001.0722.pdf; New South Wales: According to the N.S.W. Department of Communities and Justice, "Reports made to the Child Protection Helpline are confidential and the reporter's identity is generally protected by law". For further information see: https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/what-happens-next under "Confidentiality." Also see: Children and Young Persons (Care and Protection) Act 1998; Northern Territory: According to the N.T. Government, "You are safeguarded under the law from legal or professional liability if you make a report in good faith." For further information see: https://nt.gov.au/law/crime/report-child-abuse under "Report child abuse." Also see: Care and Protection of Children Act 2007; Queensland: According to the Queensland Department of Child Safety, Youth, and Women, "Your details are kept confidential and your identity is strictly protected. You are able to remain anonymous if you wish, however it is preferable for you to provide your details so that the officer can call you if information needs to be clarified". For further information see: https://www.csyw.qld.gov.au/child-family/protecting-children/reporting-child-abuse under "When you report a concern to Child Safety Services." Also see: Child Protection Act 1999, section 186.; South Australia: Under section 163 of the Children and Young People (Safety) Act 2017, "a mandated notifier's identity will not be disclosed unless the disclosure" (for exceptions see: https://www.childprotection.sa.gov.au/reporting-child-abuse/mandated-notifiers-and-their-role#:~:text=Confidentiality%20of%20notification,who%20gave%20the%20notification%2C%20or under "Confidentiality of notification." Under section 166(4) of the Children and Young People (Safety) Act 2017, "A mandated notifier who reports a suspicion in accordance with the Act cannot be held to have breached any code of professional etiquette or ethics, or to have departed from any acce

https://www.childprotection.sa.gov.au/reporting-child-abuse/mandated-notifiers-and-their-

<u>role#:~:text=Confidentiality%20of%20notification,who%20gave%20the%20notification%2C%20or</u> under, "Protections"; **Tasmania**: According to the Department of Communities, "People who call the Advice and Referral Line have a legal right to confidentiality." For further information see:

https://www.communities.tas.gov.au/children/child_protection_services/what_can_i_expect_when_under "Your Confidentiality." Also see: Children, Young Persons and Their Families Act 1997; Western Australia: The Children and Community Services Act 2004 Section 129 states, "When making a report, in good faith, about possible child sexual abuse, a mandatory reporter does not breach any employment related duty of confidentiality, professional ethics or standards and will not have engaged in unprofessional conduct." And Section 124F(2) of the same act states, "Generally, the legislation protects a reporter's identity from being disclosed. Disclosing the identity of a reporter is an offence and carries a maximum fine of \$24,000 and imprisonment for two (2) years." For more information see Mandatory Reporting of Child Sexual Abuse in Western Australia: A guide for mandatory reporters -

https://mandatoryreporting.dcp.wa.gov.au/Resource%20Documents/Information%20booklet%20for%20mandatory%20reporters.pdf.

³ Confidentiality and legally liable for states other than Victoria: **Australian Capital Territory**: Children and Young People Act 2008 (Section 857 of the Act states your identity as a reporter must not be disclosed to any other person. Under section 845 the identity of the reporter is considered sensitive information). The act also states that If a person makes a voluntary or mandatory report to Care and Protection Services 'honestly and without recklessness' - a. giving the information is not a breach of - i. confidence; or ii. professional etiquette or ethics; or iii. a rule of professional conduct; and b. the person does not incur civil or criminal liability only because of giving the information. For further information see: ACT Government (2014) Keeping Children & Young People Safe - https://www.childabuseroyalcommission.gov.au/sites/default/files/ACT.0005.001.0722.pdf; **New South Wales**: According to the N.S.W. Department of Communities and

Zealand Police. *I suspect a child is being abused. What should I do?* (n.d.). Retrieved from: https://www.police.govt.nz/faq/i-suspect-a-child-is-being-abused-what-should-i-do).

- Use regular training and a variety of information communication tools to ensure children, families, personnel, volunteers, partners, and service providers are made aware of the need to report all child safety concerns to relevant bodies (e.g., police) and that confidentiality cannot be maintained in these instances. In all other respects, confidentiality and privacy must be maintained and information regarding an allegation should only be shared on a 'need to know' basis.
- All child safety and wellbeing concerns can be reported by the following people:
 - > Parents
 - > Children and their advocates
 - > Personnel, volunteers, partners, or service providers
- The following child safety and wellbeing concerns must be reported:
 - > Disclosure of abuse or harm
 - ➤ Abuse allegations/suspicions/observations
 - > Breaches of the Child Safety and Wellbeing Code of Conduct
 - General safety/environmental concerns
- Examples of child safety and wellbeing concerns include:
 - > Inappropriate or special relationships developing between personnel or volunteers and children
 - ➤ Inadequate staff-child supervision ratios
 - > Breaches of the Child Safety and Wellbeing Code of Conduct, particularly if they are persistent
 - > Feelings of discomfort about interactions between personnel or volunteer and a child
 - > Suspicions or beliefs that children are at risk of harm
 - > Observations of concerning changes in behaviour
 - > Concerns about a physical environment that may pose a risk to children (this includes health and hygiene issues)
- Child safety and wellbeing concerns can be reported:
 - > Face-to-face
 - > Verbally
 - ➤ In a letter
 - Via email
 - > By telephone call
 - > By SMS
 - > In a meeting

- Via suggestion boxes
- Report child safety concerns to Pacific Assist's Projects Manager who acts as the Child Safety Officer, or to Pacific Assist's Women and Children's Advancement Advocate.
- Report child abuse allegations against Pacific Assist's Project Manager to Pacific Assist's Chairman of the Board of Directors.
- All individuals and organisations have a legal obligation to **immediately** report criminal behaviour to the police. As such:
 - ➤ Report physical or sexual abuse of children to the police (if there is no immediate risk, contact the <u>local Victorian police</u> <u>station</u>⁴; or, the <u>local New Zealand police station</u>).
 - ➤ Report grooming for sexual conduct with a child under the age of 16 years to the police (if there is no immediate risk, contact the <u>local Victorian police station</u>; or, the <u>local New Zealand police station</u>).
 - ➤ Report family violence to the police (if there is no immediate risk, contact the <u>local Victorian police station</u>; or, the <u>local New Zealand police station</u>) and in Victoria⁵ to Child Protection (13 12 78), or in New Zealand to Oranga Tamariki Ministry for Children (Phone: 0508 326 459 / Fax: 09 914 1211 / Email: contact@ot.govt.nz).
 - > Contact police (000 in Australia / 111 in New Zealand) immediately if there are immediate concerns for a child's safety
 - ▶ If you have general concerns about the safety or wellbeing of a child or young person, contact the Child Protection Crisis Line on 13 12 78 in Victoria⁶, or in New Zealand, Oranga Tamariki Ministry for Children on 0508 326 459.

NOTE: Under Victorian law, Pacific Assist is **NOT** considered a mandatory reporting organisation, but its officers are required to **immediately** report criminal behaviour including child physical and sexual abuse (including family violence) to police (see Guidance for Organisations Investigating a Reportable Conduct Allegation, 2018, p.8; and, Commission for Children and Young People Information Sheet 5: Other Reporting Obligations, 2017).

➤ If suspected abuse has been reported to police, **police should be consulted** to ensure that any internal investigation does not interfere with a police investigation. An internal investigation should **only proceed with police clearance**.

⁴ For local police stations in states other than Victoria: <u>Australian Capital Territory</u>; <u>New South Wales</u>; <u>Northern Territory</u>; <u>Queensland</u>; <u>South Australia</u>; <u>Tasmania</u>; <u>Western Australia</u>

⁵ If there is no immediate risk, report family violence in states other than Victoria to: **Australian Capital Territory**, Child and Youth Protection Services: General public - 1300 556 729 (24 hours) / Mandated reporters - 1300 556 728 (24 hours); **New South Wales**, The Department of Family and Community Services: Child Protection Helpline - 13 21 11 (24 hours) (TTY/voice calls - 133 677; Speak & Listen - 1300 555 727; SMS - 0423 677 767); **Northern Territory**, Territory Families: Child Abuse Hotline - 1800 700 250 (24 hours); **Queensland**, Department of Child Safety, Youth and Women: Regional Intake Services numbers; Child Safety After Hours Service Centre - 1800 177 135 or (07) 3235 9999; **South Australia**, Department for Child Protection: Child Abuse Report Line - 13 14 78 (24 hours); **Tasmania**, Department of Health and Human Services: Child Safety Service - 1800 000 123 (24 hours); **Western Australia**, Department of Communities, Child Protection and Family Support: Central Intake Team - 1800 273 889 / After hours - (08) 9223 1111 or Country Freecall - 1800 199 008.

⁶ For general concerns about the safety or wellbeing of a child or young person in states other than Victoria call the state contact number listed above in footnote 5.

- When a report of child abuse or concern over child safety has been received, the Projects Manager:
 - > Offers support to the child, the parents, the person who reports and the accused person.
 - > Immediately informs the board of directors of the complaint, the actions taken in response to the complaint, and the course of action to be pursued moving forward.
 - ➤ Initiates internal processes to ensure the safety of all children including any alleged victim/s, clarifies the nature of the complaint, and commences disciplinary processes and an investigation (if required)
 - Maintains strict confidentiality and privacy, and only shares information regarding an allegation on a 'need to know' basis (except for obligations to report criminal behaviour [including family violence] to the appropriate bodies).
- The Projects Manager offers support to children and young people reporting abuse or safety concerns by:
 - > Treating them with sensitivity and compassion
 - ➤ Connecting them and their families with services that can provide them with support to manage difficult or traumatic experiences (in Victoria call Child Protection [13 12 78], or in New Zealand call Oranga Tamariki Ministry for Children [Phone: 0508 326 459 / Fax: 09 914 1211 / Email: contact@ot.govt.nz]. In Australia for states outside of Victoria call the numbers listed previously in this section)
 - > Validating the child's/young person's disclosure. This means listening to the child, taking them seriously and responding to and acting on the disclosure by implementing the reporting and investigation procedures outlined in this policy
 - Letting the child talk about their concerns in their own time and in their own words. Give them full attention, the time and a quiet space in which to do this
 - ➤ Being a supportive and reassuring listener
 - > Comfort the child if they are distressed
 - > Asking open-ended questions and not asking leading questions
 - > Telling the child it is not their fault and that telling you was the right thing to do
 - ➤ Letting them know that you will act on this information, that you will need to let other people know, including why other people need to know
 - ➤ That strict confidentially and privacy will be maintained and information regarding the allegation will only be shared on a 'need to know' basis (except for obligations to report criminal behaviour [including family violence] to the appropriate bodies).
 - ➤ In the case of an alleged criminal offence:
 - Prevent the alleged perpetrator from having contact with victims or other children
 - Suspend the alleged perpetrator from involvement with Pacific Assist or transfer them to other duties
 - If continuing to be involved with Pacific Assist, ensure that the alleged perpetrator has additional support and supervision

- Once a complaint has been received, the Projects Manager must assess its validity and seriousness, and the required response. To do this the Projects Manager:
 - > Records the details of the complaint on the Child Safety and Wellbeing Complaint form, including:
 - Recording the child's disclosure using the child's words
 - Noting their demeanour and appearance at the time
 - Documenting any physical evidence (when receiving a report from a child it is important to guard against contamination of evidence)
 - Informs the board of directors of the complaint, and consults with them about the course of action to be pursued moving forward (all courses of action should be in line with the polices and procedure outlined in this document)

NOTE: If an allegation involves conduct that might be criminal (including family violence), there is evidence that the allegation is credible, and/or the child is at risk of danger the matter should be **immediately reported** to Police (see Guidance for Organisations Investigating a Reportable Conduct Allegation, 2018, p.8; and, Commission for Children and Young People, Information Sheet 5: Other Reporting Obligations, 2017)

In the case of an alleged criminal offence, at this point, the Projects Manager should contact the child's parents to:

- Let them know of the complaint (other than if the disclosure is related to abuse within the family)
- ❖ Assist the child and their family to access appropriate support for the child, such as counselling
- Let the child and their family know about steps the organisation is taking, such as reporting the allegation to police and instigating an investigation into the complaint (keep parents and the child informed as the investigation progresses, however, to maintain confidentiality and comply with privacy requirements do not share specific details and outcomes. When the investigation is completed and findings and actions are determined, advise that an investigation has taken place and been completed and it resulted in an appropriate outcome.
- Praise the child for helping the organisation become safer for children
- ➤ In consultation with the board of directors, assess the allegation:
 - Assess the seriousness of the complaint (lacks substance; Important concern perceptions, miscommunications, and disputes that impact on wellbeing that are not misconduct; misconduct)
 - ❖ Does the weight and reliability of the evidence demonstrate that there is substance to the complaint
 - What are the circumstances and context of the complaint
 - ❖ Determine whether evidence was presented by the parties and witnesses in a credible and consistent manner
 - ❖ Absence of evidence where it should logically exist
 - Decide, in accordance with legal requirements and duty of care, whether the matter should/must be reported to police and Child Protection and make a report as soon as possible if required

Where the initial assessment leads to a decision to report the complaint to the police, an external investigator should be
appointed to conduct a thorough investigation into the complaint. This is separate to the police investigation. It is required to
meet Pacific Assist's obligation to comprehensively investigate, report on, and review child safety and wellbeing complaints. An
external investigator is appointed because the seriousness of the complaint is deemed to be beyond the investigative experience
and expertise of Pacific Assist officers.

NOTE: police should be consulted to ensure that any internal investigation does not interfere with a police investigation. An internal investigation should only proceed with police clearance.

- Where the initial assessment does **not** lead to a decision to report the complaint to the police, the Project Manager proceeds as follows:
 - > In consultation with the board of directors, conducts a thorough investigation into the complaint:
 - Ensure the subject of allegation receives natural justice (also referred to as procedural fairness. For further information see Guidance for Organisations Investigating a Reportable Conduct Allegation, 2018, pp.18-20).
 - Establish the terms of reference (use the Terms of Reference Template)
 - Plan the investigation (use the Investigation Plan Template)
 - Conduct the investigation (see Guidance for Organisations Investigating a Reportable Conduct Allegation, 2018, pp.13-20, and, Toten, Workplace investigations: the dos and don'ts, 2020)
 - ❖ Inform the subject of allegation (use the Letter of Allegation Template)

NOTE: **Careful consideration** should be given to the best timing of a letter of allegation. While the subject of allegation is entitled to know the details of the allegation and be provided with an opportunity to respond, the subject of allegation might not be told about the allegation or the investigation until the evidence has been collected, including witness statements, documentation and any physical evidence. However, there should not be an unreasonable delay in giving notice about the allegation to the subject of allegation (for further information, see Guidance for Organisations Investigating a Reportable Conduct Allegation, 2018, p.12). In limited cases, for example, when an allegation is plainly false and can be dealt with and resolved in the favour of the subject of allegation without their involvement, it may be that they are not told about that allegation (Commission for Children and Young People, Information Sheet 13: Workers and Volunteers and the Reportable Conduct Scheme, 2018, p.3).

- Assess the evidence (for further information see Guidance for Organisations Investigating a Reportable Conduct Allegation, 2018, p.20)
- ➤ Prepares a report, including findings and recommendations to be submitted to the board of directors (Use the Investigation Report Template. For further information see Guidance for Organisations Investigating a Reportable Conduct Allegation, 2018, pp. 21-22).

NOTE: If the investigation uncovers evidence of criminal conduct (including family violence), the matter should be **immediately reported** to police (see Guidance for Organisations Investigating a Reportable Conduct Allegation, 2018, p.8; and, Commission for Children and Young People Information Sheet 5: Other Reporting Obligations, 2017).

- > In consultation and with the approval of the board of directors, implement recommendations from the report, including:
 - Submitting reports to external bodies such as police or Child Protection
 - Initiating disciplinary action
 - Adjusting policies and/or procedures
 - * Adjusting communication information to reflect any changes in policy or procedure
 - Conducting training on any changes in policy and procedure

NOTE: in the case of criminal misconduct an external investigator will have conducted the investigation and made the findings and recommendations

- In consultation and with approval of the board of directors, take disciplinary action consistent with the findings and recommendations:
 - Finding: Unsubstantiated
 - > Action options:
 - Clarify any misunderstandings and deal with the issues
 - Acknowledge different perspectives
 - * Remind those involved of expected standards of conduct
 - Monitor the situation
 - > Finding: Complaint is substantiated **Important concern** (perceptions, miscommunications, and disputes that impact on wellbeing that are **not misconduct**)

NOTE: Misconduct generally involves wrongful, improper, or unlawful conduct, motivated by a premeditated or intentional purpose or by a blatant disregard to the consequences of one's acts. Misconduct may involve either gross negligence or a deliberate departure from accepted standards.

- > Action options:
 - Clarify any misunderstandings and deal with the issues
 - Clarify expectations of appropriate conduct
 - Clarify roles, policies and procedures
 - Provide training or retraining as necessary

- Transfer personnel to other duties, or otherwise change roles, structures, processes, and/or the environment as needed
- Provide suitable personal or performance-based counselling as needed
- Other appropriate action
- > Finding: Complaint is substantiated **Misconduct**
- > Disciplinary action options:
 - ❖ Immediately report criminal misconduct to police (see Guidance for Organisations Investigating a Reportable Conduct Allegation, 2018, p.8; and, Commission for Children and Young People Information Sheet 5: Other Reporting Obligations, 2017).
 - Clarify expectations of appropriate conduct
 - Clarify roles, policies and procedures
 - Provide training or retraining as necessary
 - Transfer personnel to other duties, or otherwise change roles, structures, processes, and/or the environment as needed
 - Provide suitable personal or performance-based counselling as needed
 - * Receive a written undertaking that inappropriate behaviour will cease
 - Set up additional support and/or supervision
 - ❖ Issue a caution in relation to the consequences of continued behaviour, and keep a copy in the individual's personnel file, and add to the investigation report
 - Implement a period of monitoring
 - Provide a mentor
 - * Restrict access to computer equipment and/or remove document access
 - Prevent contact with children
 - ❖ Terminate involvement with Pacific Assist
 - Other appropriate action
- Under the direction of the board of directors, the Projects Manager is responsible for ensuring that the determined course of action is implemented.
- The Projects Manager should provide a written response outlining the resolution outcome. The reasons for it should be provided to the subject of allegation. This should include:
 - > Whether the complaint had substance
 - > The reasons for the decision
 - > The source of information relevant to the decision
 - > Any action to be taken as a result of the decision

• In the case of non-criminal misconduct, if the subject of allegation refuses to accept the findings, recommendations, decisions, and/or disciplinary actions of the investigation, the Projects Manager and the board of directors can choose to:
➤ Take the matter to the Dispute Settlement Centre of Victoria – a free mediation service offered by the Victorian Government (1300 372 888 / https://www.disputes.vic.gov.au).
➤ Take the matter to arbitration. The decision of the arbitrator is binding. For more information about arbitration contact the <u>Dispute Settlement Centre of Victoria</u> (1300 372 888) or <u>Victoria Legal Aid</u> (1300 792 387).
The Projects Manager should provide a written response to the complainant informing them that an investigation has taken place, has been completed, and that it resulted in an appropriate outcome. To maintain confidentiality and comply with privacy requirements do not share specific details and outcomes.
• Throughout the process of receiving and responding to a complaint, the Projects Manager and the board of directors should ensure that record keeping, information sharing, and privacy obligations are met. To do this, the Projects Manager and the board of directors:
 ➤ Adhere to Pacific Assist's record keeping policy and procedures ➤ Adhere to Pacific Assist's privacy policy and procedures
 Record all child safety complaints, disclosures of abuse, or breaches of the Child Safety and Wellbeing Code of Conduct Keep a record of action taken, including details of complaint assessments, internal investigations, and reports made to statutory authorities or professional bodies
NOTE: The file path for all documents referenced or referred to in this section is: "P:\Pacific Assist\Business Management\Administration\Governance & Compliance\Policies & Procedures\Policies & Procedures Development Tools\Conducting Investigations
Strategies to identify and reduce or remove risks of child abuse
Pacific Assist is committed to seeking the best interests of children and young people and providing safe environments where their
rights, needs and interests are met. Our approach to child safety and wellbeing is guided by the principles of zero tolerance of child abuse; recognition of children's interests; sharing responsibility for safeguarding children and a risk management approach. Pacific Assist understands its duty of care to take reasonable steps to protect children from the risks of injury that are reasonably foreseeable.
Fulfil our duty of care requirement to protect the children connected with our projects
 Identify and minimise child safety and wellbeing risks (physical, emotional, and online) as much as is reasonably practicable Design and adapt physical and online environments and activities to minimise opportunities for abuse to occur
The Projects Manager conducts a risk assessment for each Pacific Assist project, including an assessment of physical,
psychological, and online risks to children and young people (see appendix for a risk management assessment template). Specifically, the risk assessment should consider:

	 Particular vulnerabilities of the children and young people involved with a Pacific Assist project Circumstances in which adults can be alone with children Circumstances in which adults are able to develop relationships of trust with children Project adult-to-child ratios How often parents/carers are not present with their children who are engaged in the project Whether certain physical spaces shared by adults and children might present any risks Cyber, online, and mobile phone safety Physical risks inherent in the project environment and format Psychological risks inherent in the project environment and format Any existing policies and procedures Any previous child safety incidents and associated responses
	Based on the results of the risk assessment, the Projects Manager develops a risk management plan for each project (see appendix for a risk management plan template)
	The Projects Manager reviews project risk management plans every two years
	Strategies to promote the Health and empowerment of children
PA's Commitment	In harmony with our core principles of self-reliance, Pacific Assist believes children should participate in decisions that affect them, set their own goals and strategies, and have a voice and be listened to. We are committed to seeking the best interests of children and young people and providing safe environments where their rights, needs and interests are met. This includes nurturing children's sense of personal responsibility to engage in the process of individual and community development; to act with honesty and in compliance with the laws and expectations of society; to take charge of their destiny; engage in personal and collective learning; and, to imagine new possibilities, new solutions, new methods either through original invention or by modifying what already exists.
Objectives	 Inform children of their rights and responsibilities Ensure children have a voice and are listened to Facilitate opportunities for children to participate in decisions that affect them Facilitate opportunities for children to set their own goals and strategies Provide purposeful engagement for children that nurtures children's sense of value, personal responsibility, empathy, initiative, and innovation Ensure marginalised and vulnerable children are included and can participate in programs relevant to their interests and needs Provide psychologically and physically safe environments for children
Procedures	 In MOUs with local partners explicitly outline Pacific Assist's commitment to promoting the health and empowerment of children. Specifically detail Pacific Assist's commitment to the following rights of children: The right to be and feel safe

- > The right to be heard
- ➤ The right to participate in decisions that affect them
- > The right to determine their own goals and strategies
- > The right to purposeful engagement that nurtures a sense of value, personal responsibility, empathy, initiative, and innovation
- > The right to live in accordance with their conscience, religion, and culture
- For each project, include a section in the project implementation manual outlining how children will be engaged in the program design, implementation, and evaluation (including providing input into child safety and wellbeing policies and procedures and codes of conduct)
- For each project (as appropriate for the specific context) create and exhibit child-friendly media (website page, posters, flyers, social media posts, newsletter items, text messages to parents' phones, etc.) outlining Pacific Assist's vision, mission, and 4 Core Principles of Self-reliance
- Using child friendly language, publish information about children's rights and responsibilities using the following formats (as appropriate for the context of specific projects):
 - ➤ Website; flyers; posters; displays; press releases; introduction letters to primary stakeholders (including personalised letters to children sent via their parents and with parental consent); project briefings and presentations; photo and video waivers; volunteer information letters; informed consent documents.
- Create child friendly versions of the child safety and wellbeing policies and procedures, the Child Safety and Wellbeing Code of Conduct, and the project's complaints and abuse reporting processes.
- Get to know well and build relationships of trust with the community of children engaged in each project (including learning of specific social, religious, and cultural beliefs and practices)
- Get to know well and build relationships of trust with the families of children engaged in each project, and include them in the discussions on child safety and wellbeing
- Identify and build relationships of trust with advocates for marginalised and vulnerable children
- Work with established local partners, NGO's, government agencies, and/or other social support providers to identify and reach out to marginalised and vulnerable children
- As appropriate for the cultural context, age, and capabilities of the children, engage children in child safety and wellbeing by including them in discussions and deliberations on the issue through mediums such as:
 - ➤ Qualitative interviews; pencil and paper surveys; online surveys; social media forums and online platforms; focus groups; panel discussions; talkback radio format discussions; children and youth councils; creating child safety and wellbeing posters, displays, and cultural and performing arts events; writing articles for newsletters, websites and other publications; child hosted child safety and wellbeing forums for teachers and parents; inviting children to write their own child safety and wellbeing codes of conduct (where applicable, in their own language)

- > Reviews of policies and procedures, the Child Safety Code of Conduct, evaluations, and breaches to policies and procedures and Child Safety and Wellbeing Code of Conduct
- > Workshops on how to raise concerns and make complaints about child safety and wellbeing, including providing practical examples of situations which might/would be necessary for children to disclose abuse
- In consultation with the local community, including children, build into the project personal development and leadership programs for children that promote goal setting and provide opportunities for purposeful engagement that nurtures children's sense of value, personal responsibility, empathy, initiative, and innovation
- Provide training for all relevant personnel on strategies that promote the health and empowerment of children (relevant personnel include all directors and executive officers, and all members, volunteers, partners, and service providers who work with, interact with, or work in the vicinity of children as part of their Pacific Assist project engagement).

See Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel section of Pacific Assist's Child Safety and Wellbeing Policies and Procedures for specific training procedures.

- Utilise individual conversations, spot interviews, and feedback mechanisms such as surveys and suggestion boxes to check in with children about their thoughts and feelings in relation to:
 - > Safety and wellbeing
 - Being heard
 - > Decision making
 - Participation
 - > Purposeful engagement
 - > Conscience, religion, and culture
- For each project conduct risk assessments and create risk management plans as per the *Strategies to identify and reduce or remove risks of child abuse* section of this policies and procedures document