

1. Policy Statement

Irabina has a duty of care to children receiving our services and must make sure we operate in a way to provide safety and wellbeing of the children. We are committed to ensuring that child development; health and wellbeing needs are being met. To that end we recognise parents, families and carers are pivotal to this relationship. Irabina is committed to abiding by the **Victorian Child Safe Standards** and their accompanying principles as described below:

Standard 1 – Organisational culture of child safety

Standard 2 – Commitment to child safety

Standard 3 – Code of Conduct

Standard 4 – Screening, supervision and training

Standard 5 – Responding to and reporting suspected child abuse

Standard 6 – Identify and reduce risks of child abuse

Standard 7 – Participation and Empowerment of children

Victorian Child Safe Principles:

- Promote the cultural safety of Aboriginal children
- Promote the cultural safety of children from culturally and/or linguistically diverse backgrounds
- Promote the safety of children with disability

Irabina management, staff and volunteers also abide by the **National Principles for Child Safe Organisations** as described below:

- Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
- Families and communities are informed and involved in promoting child safety and wellbeing.
- Equity is upheld and diverse needs respected in policy and practice.
- People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- Processes for complaints and concerns are child focused.
- Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- Implementation of the national child safe principles is regularly reviewed and improved.
- Policies and procedures document how the organisation is safe for children and young people.

In a person centred approach we will all focus on the wellbeing of each child and provide a safe and secure environment for all participants of our service particularly towards children and young people.

Irabina also recognises the right of the child to realise their potential free from abuse, neglect or exploitation. Children with Autism maybe be exposed to a greater risk of abuse than the general population and we are committed to make sure staff are aware of risk factors, signs and responsibilities.

2. Scope

This policy applies to all Irabina participants, staff and volunteers who deliver services to children.

3. Purpose

This policy outlines Irabina's 'Child Safety' framework. The purpose of this policy is to:

- a) Safeguard the well-being of children that are involved in our services and programs.
- b) Meet mandatory reporting requirements to external bodies such as DHHS, NDIS Commission, Office of Professional Practice (Senior Practitioner), The Australian Human Rights Commission, Office of the Disability Services Commissioner (ODSC), the Victorian Commission for Children and Young People and the Victorian and Federal Police.
- c) Outline the general roles and responsibilities staff have in relation to the wellbeing of children within our Service and specific responses to concerns of child abuse; and
- d) Support the delivery of high quality services through appropriate documentation of service planning, delivery and evaluation as well as full and transparent reporting of adverse events, incident investigation and incident review.

4. Policy

1. Statement of Commitment to Child Safety at Irabina

All management, staff and volunteers at Irabina:

- **have zero tolerance for child abuse**
- **actively work to listen to and empower children**
- **have systems to protect children from abuse, will take all allegations very seriously and will responds to them consistently in line with the organisation's policies and procedures**
- **is committed to promoting cultural safety of Aboriginal children, cultural safety of children from culturally and/or linguistically diverse backgrounds and to providing a safe environment for children with a disability.**

2. Responsibility for Implementation, Compliance Monitoring, Measuring and Continual Improvement

All staff will be recruited in-line with The Disability Worker Exclusion Scheme (DWES) which operates in accordance with the Disability Worker Exclusion Scheme (DWES) Instruction, October 2019. The DWES Instruction outlines the authority for the scheme and describes the obligations of Victorian disability service providers in relation to pre-employment screening and notifications. The scheme operates in accordance with the Safety Screening Policy for registered NDIS providers operating in Victoria, October 2019. The Safety Screening Policy outlines the authority of the scheme as it applies to registered NDIS providers and the obligations of registered NDIS providers in relation to pre-employment screening and notification requirements. The NDIS Worker Screening Check will not be available in Victoria until the Victorian NDIS Worker Screening Unit is operational. This is expected to occur by 1 July 2020. Special arrangements will apply in Victoria from 1 July 2019 until the Victorian NDIS Worker Screening Unit is operational (the worker screening transition period).

All management, staff and volunteers receive training in the relevant requirements, e.g. emergency procedures, first aid, mandatory reporting, OH&S, etc to ensure compliance with requirements for safe environments.

In Victoria, any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence. Staff will follow the Management of Incidents policy in relation to reporting requirements. For concerns about the safety and wellbeing of children and young people who are not Irabina participants, the expectation of disclosing information to the police based on a reasonable belief also applies.

Protective concerns include the following:

- a) The receipt of a disclosure from a child about abuse or neglect.
- b) The observation of indicators of abuse or neglect; and
- c) Staff being made aware of possible harm via involvement in the community external to their professional role.

The role of Staff is to:

- a) Where possible provide immediate safety and wellbeing of the child.
- b) Report incidents that are witnessed by or reported to them within procedural timeframes and guidelines in-line with the Irabina Incident Management Policy and Procedure. This policy and procedure contains within it, the management of reportable incidents to the NDIS Commission, information about the Reportable Conduct Scheme to the Commission for Children and Young People and the Notifiable Data Breach Scheme to the Office of the Australian Information Commissioner. These may include concerns regarding significant parenting problems that may be affecting the child's development including, but not limited to:
 - a) Serious family conflict.
 - b) Family breakdown.
 - c) Family under pressure due to a family member's physical or mental illness.
 - d) Substance abuse.
 - e) Disability.
 - f) Bereavement.
 - g) Young, isolated and/or unsupported families; or
 - h) Significant social or economic disadvantage that may adversely impact on a child's care or development.
- c) Where there is a reasonable belief of sexual abuse, to report this matter to the Victorian Police Service.

The role of the **Team Coordinator/Community Hub Manager/Clinical Services Manager** is to:

- a) Source information and provide support to frontline staff on issues relating to child safety.
- b) Respond to and follow through on concerns/incidents raised by completion of corrective and preventative actions.
- c) Support and/or initiate and action referrals to external agencies, appropriate medical and allied health professionals.
- d) Engage with the child's family/carer and lead staff in the maintenance, monitor and review of current plans that reflect recommendations and support strategies where indicated; and
- e) Provide on the job coaching to staff in relation to supporting a child where there is a concern they have been subject to abuse, and related liaison with key stakeholders and incident reporting.
- f) Where there is a reasonable belief of sexual abuse to report this matter to the Victorian Police Service.
- g) To take responsibility for and to support staff in relation to disclosure and following legislation in relation to Failure to Disclose offences.

The role of **Senior Management** is to:

- a) Promote child safety through organisational practices and policies.
- b) Review and analyse aggregate related incident data and trends to identify policy and practice improvement opportunities.
- c) Participate actively in internal reviews where required; and
- d) Make sure that changes in relation to best practice for child safety are communicated and resourced across the organisation where identified.
- e) Where there is a reasonable belief of sexual abuse to report this matter to the Victorian Police Service.

5. Breaches of this Policy

Irabina Autism Services expects co-operation from all employees in conducting themselves in a professional, ethical and socially acceptable manner of the highest standards. For any breach of his policy, the Irabina Incident Management Policy and Procedure should be applied. This policy and procedure contains within it, the management of reportable incidents to the NDIS Commission, information about the Reportable Conduct Scheme to the Commission for Children and Young People and the Notifiable Data Breach Scheme to the Office of the Australian Information Commissioner.

Any employee in breach of this policy may be subject to disciplinary action, including termination.

Anyone can make a complaint about supports and services funded under the NDIS, including alleged breaches of this policy. This includes people with disability, family members, friends, workers, advocates and other providers. In the first instance, people are encouraged to contact us at Irabina to make complaints, and this will be managed in accordance with the Irabina Feedback and Complaints Policy and Procedure.

6. Key Responsibilities

Role	Responsibility
All Staff	To follow this policy.

7. Definitions

Term	Meaning
Participant	All end users (parents/guardian/carers, those with ASD and related conditions, Professionals, Schools, etc) of goods or services provided by Irabina or is directly affected by, the services
Child	In Victoria, under the Children Youth and Families Act 2005 a child or young person is a person under eighteen years of age.
Child Abuse	Is an act by parents, care-givers or service providers that endangers a child or young persons' physical, emotional health or development. Child abuse can be a single incident, but usually takes place over time.
Physical Abuse	Occurs when a child suffers, or is likely to suffer, significant harm from an injury inflicted by a child's parent or care-giver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. The injury may take the form of bruises, cuts, burns or fractures.
Sexual Abuse	Occurs when a person uses power or authority over a child to involve the child in sexual activity and the child's parent or care-giver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity. It includes fondling of the child's genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or other object, or exposure of the child to pornography
Emotional Abuse	Occurs when the child's parent or care-giver repeatedly rejects the child or uses threats to frighten the child. This may involve name calling, put downs or continual coldness from the parent or care-giver, to the extent that it significantly damages the child's physical, social, intellectual or emotional development.
Neglect	The failure to provide the child with the basic necessities of life such as food, clothing, shelter, medical attention or supervision,

Term	Meaning
	to the extent that the child's health and development is or will likely cause significant harm.
Deprivation of civil liberties	Such as freedom from torture and death, the right to liberty and security, freedom of conscience, freedom of religion, freedom of expression, freedom of speech, the right to privacy, the right to equal treatment and the right to bodily integrity.
Failure to Disclose Offence	Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.
Reasonable belief	<p>A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed when:</p> <ul style="list-style-type: none"> A child states that they have been sexually abused. A child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves). Someone who knows a child states that the child has been sexually abused. Professional observations of the child's behaviour or development, leads a professional to form a belief that the child has been sexually abused. Signs of sexual abuse, leads to a belief that the child has been sexually abused. <p>A person will not be guilty of the offence if he or she has a reasonable excuse for not disclosing the information. A reasonable excuse includes:</p> <ul style="list-style-type: none"> Fear for safety. Where the information has already been disclosed.
NDIS Act	The National Disability Insurance Scheme Act 2013.
NDIS Commission	The NDIS Quality and Safeguards Commission.
Impacted person	A person with disability who has been affected by an incident that has occurred during the provision of NDIS supports and services.
Incident	<p>An incident is defined as an act, omission, event or circumstance. It may mean any of the following:</p> <ul style="list-style-type: none"> Acts, omissions, events or circumstances that occur in connection with providing NDIS supports or services to a person with disability and have, or could have, caused harm to the person with disability Acts by a person with disability that occur in connection with providing NDIS supports or services to the person with disability and which have caused serious harm, or a risk of serious harm, to another person Reportable incidents that have or are alleged to have occurred in connection with providing NDIS supports or services to a person with disability
Key personnel	A member of the group of persons who is responsible for the executive decisions of the registered NDIS provider and any other person who has authority or responsibility for (or significant

Term	Meaning
	influence over) planning, directing or controlling the activities of the registered NDIS provider. See s 11A of the Act.
NDIS	National Disability Insurance Scheme.
NDIS provider	<p>A person (other than the NDIA) who receives:</p> <ul style="list-style-type: none"> funding under the arrangements set out in Chapter 2 of the Act; or NDIS amounts (other than as a participant); or a person or entity who provides supports or services to people with disability other than under the NDIS and who is prescribed by the NDIS rules as an NDIS provider. See s 9 of the Act.
NDIS (Incident Management and Reportable Incident) Rules 2018	The Rules require registered NDIS providers to establish an incident management system that meets minimum requirements and that is appropriate for the size of a registered NDIS provider and the supports or services they provide. The rules also set out the obligations on registered NDIS providers to notify, investigate and respond to reportable incidents.
NDIS Practice Standards	Consist of a core module and several supplementary modules that apply according to the types of supports and services NDIS providers deliver, and the corporate structure of the organisation. The NDIS Practice Standards are included in the NDIS (Provider Registration and Practice Standards) Rules and in the NDIS (Practice Standards – Worker Screening) Rules.
Person with disability	A person with disability who is an NDIS participant and receives supports or services from an NDIS provider.
Registered NDIS provider	Means a person or entity registered under s 73E of the Act to provide supports and services to people with disability.
Relevant Personnel	<ul style="list-style-type: none"> A member of the registered NDIS provider’s key personnel. A supervisor or manager of the person The person specified in the incident management system as being responsible for reporting incidents that are reportable incidents to the NDIS Commission (Specified personnel).¹
Reportable incidents to the NDIS	<p>Reportable incidents are serious incidents or alleged incidents which result in harm to an NDIS participant and occur in connection with NDIS supports and services. Specific types of reportable incidents include:</p> <ul style="list-style-type: none"> The death of a person with disability. Serious injury of a person with disability. Abuse or neglect of a person with disability. Unlawful sexual or physical contact with, or assault of, a person with disability (excluding, in the case of unlawful physical assault, contact with, and impact on, the person that is negligible). Sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity. The use of a restrictive practice in relation to a person with disability, other than where the use is in accordance with an authorisation (however described) of a State or Territory in

Term	Meaning
	relation to the person or a behaviour support plan for the person.
Reportable Conduct Scheme Victoria	<p>The Reportable Conduct Scheme is focussed on worker and volunteer conduct and how organisations investigate and respond to suspected child abuse. The scheme aims to improve organisational responses to suspected child abuse and to facilitate the identification of individuals who pose a risk of harm to children, but do not have a criminal record.</p> <p>The scheme applies to some organisations required to meet the Child Safe Standards – those with a high level of responsibility for children – and sets out specific obligations for the heads of these organisations.</p> <p>The head of the organisation must ensure that there are systems in place that:</p> <ul style="list-style-type: none"> • prevent reportable conduct from being committed • enable reportable allegations to be made to the head of the organisation • enable reportable allegations that involve the head of the organisation to be reported to the Commission.
Reportable Conduct Victoria	<p>'Reportable conduct' is defined in the Child Wellbeing and Safety Act 2005 to include:</p> <p>(a) a sexual offence committed against, with or in the presence of, a child,;</p> <p>(b) sexual misconduct, committed against, with or in the presence of, a child; or</p> <p>(c) physical violence committed against, with or in the presence of, a child; or</p> <p>(d) any behaviour that causes significant emotional or psychological harm to a child; or,</p> <p>(e) significant neglect of a child.</p>
Specified personnel	<p>Person named in the incident management system of a registered NDIS provider as being responsible for taking all reasonable steps to ensure that reportable incidents that occur in connection with the provision of supports or services are notified to the NDIS Commission.</p>

8. Related Documents

Irabina Incident Management Policy and Procedure

Irabina Risk Management Policy

Irabina Feedback and Complaints Policy and Procedure

Irabina Code of Conduct

9. Related legislation

Relevant Legislation, Standards and Agreements

The following Legislation apply to this policy and supporting documentation:

United Nations Convention on the Rights of the Child

Children, Youth and Families Act 2005

Disability Act 2006

Privacy Act 1988

The National Disability Insurance Scheme Act 2013.

Education and Care Services National Regulations 2011

Occupational Health and Safety Act 2004

The Victorian Child Safety Standards

The National Principles for Child Safety

NDIS (Incident Management and Reportable Incidents) Rules 2018 (Cth)

NDIS (Complaints Management) Rules 2018 (Cth)

NDIS (Code of Conduct) Rules 2018 (Cth)

NDIS (Worker Screening) Rules 2018 (Cth)

The Victorian Disability Worker Exclusion Scheme

Safety Screening Policy for registered NDIS providers operating in Victoria, October 2019

The Human Rights Framework

National Framework for Protecting Australia's Children 2009-2020