



## **Child Protection Policy**

12 March 2016

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# Child Protection Policy – Purpose and Scope

**Date** 12 March 2016

- A. Education Development Association (**EDA**) is committed to providing a safe, supportive and caring environment that enables children to develop their full potential as individuals.
- B. EDA desires to not only comply with all legal obligations related to child protection but also to be a role model in going beyond legal obligations to provide for children's' welfare.
- C. EDA will take all reasonable steps, including developing policies and implementing them, to ensure the health, safety and welfare of the children involved in its activities, protecting them from all Abuse.
- D. The reasons for the development of this Child Protection Policy are:
  - (a) To display EDA's commitment to the protection of children welfare; and
  - (b) To guide EDA in keeping this commitment and to assist EDA's officers and Volunteers to understand and keep all similar duties under law.

## 1. Definitions and interpretation

### 1.1 Definitions

In this Policy, unless the context otherwise requires:

**Abuse** has the meaning set out in clause 8.1.

**Adult** means a person 18 years old or older;

**Centre** means a study centre established by EDA in which its educational activities are conducted;

**Child** means person under the age of 18;

**Grooming** has the meaning set out in clause 8.7.

**Helper** means a person less than 18 years old invited to help from time to time in a particular activity;

**Leader** means an Adult who has an ongoing role in the provision of services in a Centre;

**Officer** has the meaning given by the *Corporations Act 2001* (Cth);

**Principal** means person appointed by EDA to direct the activities at a Centre; and

**Policy** means this policy including the Purpose and Scope and any schedules and any annexures.

**Volunteer** means an EDA Officer, a Principal, Leader or Helper.

**Working with Children Check** means the legislative requirements to obtain a working with children check (or similar) as applicable in any relevant State or Territory.

### 1.2 Interpretation

In this Policy, unless the context requires otherwise:

- (a) the singular includes the plural and vice versa;
- (b) a gender includes the other genders;
- (c) other grammatical forms of defined words or expressions have corresponding meanings;
- (d) a reference to a document includes the document as modified from time to time and any document replacing it;
- (e) a reference to all or any part of a statute, rule, regulation or ordinance (**statute**) includes that statute as amended, consolidated, re-enacted or replaced from time to time;
- (f) wherever “include” or any form of that word is used, it must be construed as if it were followed by “(without being limited to)”; and
- (g) a reference to any agency or body, if that agency or body ceases to exist or is reconstituted, renamed or replaced or has its powers or functions removed (**defunct body**), means the agency or body that performs most closely the functions of the defunct body.

## 2. Duties of Officers of EDA

### 2.1 Employment of Principals, Leaders and Helpers

EDA's Officers will only employ as a Principal, Leader or Helper a person who understands EDA's values, including their commitment to providing a safe, supportive and caring environment that enables young people to develop their full potential as individuals while protecting them from all Abuse.

### 2.2 Employment of Principals, Leaders and Helpers in New South Wales

- (a) Where a Centre is located in New South Wales, in accordance with section 9 of the *Child Protection (Working with Children) Act 2012* (NSW) (**NSW legislation**), EDA's Officers will not employ (or continue to employ) a person as a Principal, Leader, Helper or any other worker to perform child-related work at the Centre if those Officers know or have reasonable cause to believe that:
- (i) the person is not the holder of a working with children check clearance that authorises the person to perform child-related work and that there is no current application by the worker to the Children's Guardian for a clearance of a class applicable to that work, or;
  - (ii) the worker is subject to an interim bar.
- (b) For this clause 2.2:
- (i) the phrase "child-related work" has the same meaning as section 6 of the NSW legislation; and
  - (ii) the phrases "working with children check clearance" and "interim bar" have the same meaning as section 5 of the NSW legislation.

### 2.3 Employment of Principals, Leaders and Helpers in other States or Territories

- (a) Where a Centre is located outside of New South Wales, EDA's Officers will not engage a person as a Principal, Leader, Helper or other worker to perform child-related work unless the requirements of any applicable legislation relating to Working with Children Checks are complied with.<sup>1</sup>
- (b) For example, where the Centre is located in Victoria, the *Working with Children Act 2005* (Vic) (Victorian legislation) must be complied with and in particular:
- (i) In accordance with section 33 of the Victorian legislation, it is an offence for a person to engage in child-related work (knowing that it is child-related work) without a current assessment notice where that person knows or is reckless about the fact that they do not have an assessment notice.
  - (ii) In accordance with section 35 of the Victorian legislation, it is an offence to engage another person in child-related work (knowing that it is child-related work) where the worker does not have a current assessment notice and the employer knows or is reckless about the fact that the worker does not have an assessment notice.

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<sup>1</sup> For example, as at the date of this Policy, the relevant legislation in Victoria is the *Working with Children Act 2005* (Vic) and the relevant legislation in Queensland is the *Working with Children (Risk Management and Screening) Act 2000* (Qld).

- (iii) An assessment notice is evidence that you have passed the working with children check.
- (iv) For this clause 2.3, “child-related work” has the same meaning as section (9)(1) of the Victorian legislation.

## **2.4 Appointment of Child Protection Officer**

EDA’s Officers will appoint a **Child Protection Officer**. The Child Protection Officer will have the duties set out in clause 5 of this Policy. EDA’s Officers will clearly explain these duties to the Child Protection Officer and direct the Child Protection Officer to this Policy.

## **3. Duties of Principals**

### **3.1 Working with Children Check**

A Principal will not accept appointment as a Principal unless they have obtained the relevant Working with Children Check required by the NSW legislation or any other applicable legislation.

### **3.2 Appointment of Leaders and Helpers**

#### **(a) When appointed**

- (i) A Principal will appoint a Leader for a clearly specified role within EDA’s activities at the Principal’s Centre (for example, to look after activities for a particular year group), which role is to be communicated to the Leader.
- (ii) A Principal may, perhaps in consultation with the Leader for particular activities at the Principal’s Centre, appoint a Helper for a clearly specified role within those activities, which role is to be communicated to the Helper. This role will not necessarily be on an ongoing basis.
- (iii) In this way, contact with Children in a particular activity by persons who are not a Principal, a Leader or a Helper in that activity will be minimised.

#### **(b) Criteria for Appointment of Leaders and Helpers**

- (i) A Principal will only employ as a Leader or a Helper a person who understands EDA’s values, including their commitment to providing a safe, supportive and caring environment that enables young people to develop their full potential as individuals while protecting them from all physical, verbal, sexual and emotional harm or Abuse.
- (ii) In appointing a person as a Leader or Helper, a Principal must comply with all the relevant obligations relating to Working with Children Checks imposed by the NSW legislation or any other applicable legislation.

### **3.3 Training of Principals**

- (a) Each Principal will sign a copy of the Volunteers Code of Conduct Agreement, which forms Schedule 3 to this Policy.

- (b) A Principal will attend the training courses in child protection issues organised by the Child Protection Officer. The Child Protection Officer will make a record of where the Principal has attended a training session.

#### **4. Duties of Leaders and Helpers**

##### **4.1 Working with Children Check**

- (a) Where the Centre is located in NSW, a person must not accept appointment as a Leader or Helper unless they have complied with section 8 of the NSW legislation, which requires:
  - (i) the person to hold a working with children check clearance of a class applicable to the work; or
  - (ii) there to be a current application by the person to the Children's Guardian for a clearance of a class applicable to that work.
- (b) Where the Centre is located outside of New South Wales, a person will not accept appointment as a Leader or Helper unless they have obtained the relevant Working with Children Check required by the applicable legislation.

##### **4.2 Training of Leaders and Helpers**

- (a) A Leader or a Helper will, immediately or upon appointment, sign a copy of the Volunteers Code of Conduct Agreement, which forms Schedule 3 to this Policy.
- (b) A Leader and, where possible, a Helper will attend the training courses in child protection issues organised by the Child Protection Officer. The Child Protection Officer will make a record of where the Leader or Helper has attended a training session.

#### **5. Duties of Child Protection Officer**

##### **5.1 Volunteers Code of Conduct Agreement**

A Child Protection Officer will ensure that, for each Centre, the Principal and all Leaders and Helpers sign, immediately or upon appointment, a copy of the Volunteers Code of Conduct Agreement, which forms Schedule 3 to this Policy.

##### **5.2 Training**

A Child Protection Officer will organise, for each Centre, training for the Principal and all Leaders and Helpers in child protection issues, including the contents of this Policy, legal requirements and liabilities, standard safety procedures for activities, the meaning of Abuse and indications of Abuse and reporting obligations.

This will usually be through a seminar at least once yearly. A Child Protection Officer will make a record of who attends their training sessions. A Child Protection Officer will ensure that each Volunteer has a copy of this Policy.

#### **6. Standard Safety Procedures for Activities**

##### **6.1 Equal respect, fairness and welfare**

- (a) Volunteers will treat Children with equal respect and consideration, without favouritism, and ensure of their safety and welfare.



- (b) Volunteers will take great care over whatever they say to Children and also the way in which they say it at all times. All situations, actions and language that compromise a relationship of trust with Children are to be avoided.
- (c) Volunteers are to avoid taking risks with the safety of young people; and avoid any situations that could lead to misinterpretations, difficulties or accusations of Abuse.

## **6.2 Separation of Certain Facilities**

- (a) Sleeping accommodation, shower, toilet and changing facilities for Children and Helpers will always be separate from those for Leaders.
- (b) In the event that, due to limited facilities, it is impossible to have separate shower, toilet and changing facilities, there will be a timetable that will be strictly followed to allow separation between persons under 18 and persons over 18 in the shower, toilet and changing facilities.
- (c) No person over 18 is allowed to change or shower whilst there are persons under 18 present.
- (d) If separate accommodation between those aged over 18 and those aged under 18 is impossible (for example, sleeping in a large hall), then the area for over 18s will be a clearly defined, discrete section of the accommodation. No person aged under 18 is allowed in that area.
- (e) Children should not be allowed into the bedrooms of staff or other persons in the residential area of the Centre.
- (f) In supervising shower, toilet and changing facilities, the guiding principle is that Adults must avoid placing themselves in a situation where they feel uncomfortable or compromised or where their actions could be misinterpreted.

## **6.3 Two Adults present**

- (a) For all activities, at least two Adults should be present, except in unexpected, unusual and unforeseen circumstances.
- (b) While the minimum ratio of Adults to Children will vary from activity to activity, a minimum of two Adults is always required for activities involving overnight stays (with no exceptions).
- (c) In all activities, an Adult should never be left alone with a Child in an isolated place.

## **6.4 Mentoring**

Any private conversation (eg. for mentoring or tutoring purposes) between a Leader and a Child should always take place in an open place or in the rooms (which should have views to public areas) provided in the Centres for these purposes.

## **6.5 Travel**

Other than in a clear emergency an Adult must not travel alone with one Child in a motor vehicle unless the parent or guardian of the Child has been informed and consent obtained.

## 6.6 Movies and Other Media

- (a) EDA recognises that it can be inappropriate to expose Children to movies, television programs, computer games, print media, music or language that promotes violence, intolerance or harm of a person in a sexual, physical or emotional nature.
- (b) For these purposes, EDA will keep a list of movies that will be consulted before Leaders screen movies to Children.

## 6.7 Alcohol, Drugs and Tobacco

Under no circumstances should Adults give alcohol, tobacco or illicit drugs to Children.

## 6.8 Physical contact sporting activities and games

- (a) Adults are to avoid physical horseplay with Children.
- (b) They shall also avoid taking part in contact games where there is a danger that others might misinterpret their actions, no matter how innocently intentioned.

## 6.9 Privacy

EDA will not publish personal details of Children on websites or in publications. All photographs that are published will be modest and will be in an appropriate area. For example, no pictures of boys swimming will be published. A parental consent form will be signed by the parent or guardian authorising the use of photographs for publications, promotional materials, the Centre's website and other related media

## 6.10 Records

- (a) Parents or guardians will be asked to complete:
  - a) a consent and contact form; and
  - b) a dietary and medical details form;
 either annually or before any residential activity away from the centre.
- (b) An incident report form should be completed in the event of an accident or incident relating to a Child.
- (c) An accurate record should be kept for each Child participating in activities including, but not limited to, attendance, programme details, medical information, etc. This record should include a copy of the signed parental/guardian consent form or letter.
- (d) The information provided in the consent and contact form and dietary and medical details form should only be used or disclosed in the following circumstances:
  - (i) To be made available to those persons that may need the information for the purpose for which it was collected (eg. dietary information to be disclosed to the kitchen staff).
  - (ii) The use or disclosure of the information is required or authorized by or under an Australian law or a court/tribunal order or as otherwise provided for in the *Privacy Act 1988*.

## 6.11 Health and Safety

- (a) Adequate and appropriate supervision must be provided in relation to all events and activities organized for Children in EDA centres.

- (b) Ensure that buildings and/or facilities used for events and activities are suitable, safe and secure. Make sure that fire precautions are in place. Fire extinguishers should be checked according to a specific timetable and check noted according to best practice guidelines. Access to a telephone at all times is essential in case of emergency.
- (c) Make sure a first aid kit is readily available. This should be checked and replenished according to a specific timetable and check noted according to best practice guidelines. It is advisable that first aid training be provided for Volunteers.
- (d) Medication should require written permission from the parent or guardian clearly stating the name, age and prescribed dosage for the child on the original bottle or container and on the authorisation required in the medical form.
- (e) Medication should be kept in a secure (locked) area and the administration be supervised by 2 Volunteers.
- (f) Be alert to the risk of injury involved in some contact sports, paying particular attention to the child's age and to any medical condition or disability.
- (g) Adequate insurance must be obtained to cover all activities being undertaken.
- (h) Where the centre is providing transport, make sure that drivers and vehicles meet legal requirements.

## **7. Response to Concerns of Abuse**

### **7.1 Immediate Reaction**

- (a) EDA's overriding priority is to ensure the ongoing safety of all Children and therefore Children must not be left in a situation of Abuse or a situation that potentially risks Abuse. Such a situation could be identified by a Principal, Leader or Helper or be brought to their attention by another Adult or a Child. The Child might be the person who has been Abused or reporting the Abuse of another Child.
- (b) An approach by a Child about Abuse to him/herself or a third party must be taken seriously. It is important to create a supportive environment for the Child and to listen carefully.
- (c) Dealing with Abuse is a complex matter that requires special expertise and it is not expected that Principals, Leaders or Helpers will have those skills. Therefore, they should not attempt to intervene, other than to take necessary, common sense action if the Child is in immediate danger. Where a Child expresses concern, their role is to be supportive, listen carefully and report the concern as set out below. Principals, Leaders or Helpers should not confront a person named by the Child.
- (d) Notes should be taken of what has been said immediately following any accusation or report of a suspicion of Abuse. These should be signed, timed and dated by the person confided in.
- (e) When the person accused is another Child, the accused Child's welfare will need to be handled carefully. Again, these matters are complex and require special expertise. On becoming aware of a situation, an Adult should report the matter as set out below.

**If a Child is in imminent danger, a Volunteer must report directly and immediately to the police on 000.**

## 7.2 Duty to Report Abuse

- (a) **External** – where the Centre is located in New South Wales
- (i) In accordance with s 27 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW) (*Children and Young Persons Act*) if a Volunteer:
    - (A) has reasonable grounds to suspect that a Child is at risk of significant harm, and
    - (B) those grounds arise during the course of or from the Volunteer’s service with EDA;

the Volunteer must report, as soon as practicable, to the Secretary of the Department of Family and Community Services (**Department**) the name, or a description, of the Child and the grounds for suspecting that the Child is at risk of significant harm.

- (ii) If the suspicion relates to two or more Children that constitute a particular class of Children, the Volunteer may report that class of Children to the Secretary together with:
  - (A) a description that is sufficient to identify all the Children who constitute the class, and
  - (B) the grounds for suspecting that the Children of that class are at risk of significant harm.
- (iii) In accordance with section 23 of the above Act, and for the purposes of this clause, a Child is “at risk of significant harm” if current concerns exist for the safety, welfare or well-being of the Child because of the presence, to a significant extent, of any one or more of the following circumstances:
  - (A) the Child’s basic physical or psychological needs are not being met or are at risk of not being met; or
  - (B) the Child has been, or is at risk of being, physically or sexually abused or ill-treated.

Any such circumstances may relate to a single act or omission or to a series of acts or omissions.

- (iv) Importantly, it should be remembered that legislation (section 29 *Children and Young Persons Act*) protects a person who reports in good faith child abuse or suspected child abuse. In some situations, a person may make a report anonymously (section 26 of the *Children and Young Persons Act*).<sup>2</sup>
- (b) **External** – Where the Centre is located outside of New South Wales

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<sup>2</sup> An anonymous report can be made only where it is a voluntary report

Where a Centre is located outside of New South Wales, all Volunteers must comply with any relevant requirements relating to mandatory reporting of Abuse or other incidents.<sup>3</sup>

(c) **Internal**

- (i) In order to assist a person to determine whether an allegation or concern of Abuse meets the “risk of significant harm” stipulated by the law the Child Protection Officer will be contacted and briefed as soon as possible.
- (ii) The Child Protection Officer will consult the Mandatory Reporter Guide provided by the Department Of Community Services.
- (iii) If after carrying out a process of discernment it is established that the allegation meets the “risk of significant harm” stipulated by the law the Child Protection Officer will then have the duty to report to the Secretary if the Volunteer has not already done so.
- (iv) The Child Protection Officer must set up structures that facilitate Volunteers making a report to the Child Protection Officer. The Child Protection Officer must also educate the Volunteers about these structures and actively encourage them to make use of these structures.
- (v) The Child Protection Officer, in collaboration with EDA’s Officers, must make sure that no person reporting is disadvantaged as a result.
- (vi) If a Volunteer has concerns, but no evidence, they should nevertheless report their concerns to the Child Protection Officer who must assist them with it. Certain behaviours (as described in Schedule 8) are cause for concern and should not be ignored.
- (vii) It should be noted that EDA has entrusted the spiritual care of its activities to the Prelature of Opus Dei in Australia. If an allegation is made against a priest of the Prelature who works or lives in an EDA centre or against a person who has been specifically assigned by the Prelature to provide Christian formation to young people in activities such as retreats, recollections, talks, etc., while they are carrying out those activities, the matter will be referred directly to the Child Protection Officer of the Prelature.

### 7.3 Historical Allegations

A complaint by a victim who has suffered Abuse as a Child but discloses the Abuse after reaching the age of 18 years, must be reported to the Child Protection Officer who will make a formal report to the Police.

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<sup>3</sup> For example, as at the date of this Policy, the relevant legislation in Victoria is the *Children, Youth and Families Act 2005* (Vic) and in Queensland, the relevant legislation is the *Child Protection Act 1999* (Qld). Further, in accordance with s 327 of the *Crimes Act 1958* (Vic), a person of or over the age of 18 years (whether in Victoria or elsewhere) who has information that leads the person to form a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person of or over the age of 18 years must disclose that information to a police officer as soon as it is practicable to do so, unless an exception applies.

#### 7.4 Risk Management

- (a) The safety, welfare and well-being of the alleged victim should be the first relevant circumstance the decision maker should take into account when deciding if removal of the alleged perpetrator is appropriate.
- (b) EDA will take all reasonable steps to eliminate future risks to Children, including the cessation of an activity.
- (c) If a person is alleged to be the cause of conduct that is reportable (**Accused**) and is an Adult and the matter involves sexual abuse, in collaboration with the relevant authorities, EDA's Officers or a Principal will advise the person by telephone immediately that a serious accusation has been made about the person, and that they have been immediately suspended from any involvement with EDA's activities involving Children, totally without prejudice, until the investigation process has been completed. Also, within seven days, the Officers or Principal will send formal, written advice of their suspension.
- (d) Where sexual abuse is alleged, details of the accusation will be managed and, if necessary, advised to the Accused by the relevant authority and not by EDA. For other forms of abuse, EDA's Officers will determine how the matter is raised with the Accused, after consulting with the relevant authorities.
- (e) If the matter does not involve sexual abuse and pending investigation (whether by EDA or an external authority), EDA's Officers or a Principal may limit the contact the Accused is to have with Children or Volunteers and direct the alleged perpetrator to undertake duties other than normal duties or at different locations or suspend the alleged perpetrator (with or without any pay). Before taking such action, the decision-maker will consider what risk, if any, the alleged perpetrator might pose to Children. The decision-maker will take into account all relevant circumstances, including:
  - (i) The nature of the allegation;
  - (ii) The vulnerability of the Children (for example, because of their age);
  - (iii) The nature of the position occupied by the alleged perpetrator;
  - (iv) The extent to which the alleged perpetrator is supervised;
  - (v) The disciplinary record of the alleged perpetrator;
  - (vi) The safety of the alleged perpetrator; and
  - (vii) The extent to which the investigation could be compromised by the alleged perpetrator continuing his or her normal duties.
- (f) If an allegation is substantiated to the satisfaction of EDA's Officers, the offender's involvement in EDA's activities may be revoked immediately and the Child Protection Officer will make a record to ensure the person will never be re-involved.
- (g) Regardless of the outcome of any complaint of criminal behaviour, EDA's Officers reserve the right to refuse the reinstatement of an Accused who has been cleared or not charged by the Police at its sole discretion.

## 7.5 Investigation

- (a) This clause applies unless an investigation is being carried out by the Police, the Department of Family and Community Services or some other state or federal authority. This clause applies to any investigation carried out by EDA once an investigation carried out by an external authority has been completed.
- (b) The alleged victim may at any time during the investigation take the grievance to the relevant authorities.
- (c) The Child Protection Officer must investigate or cause to be investigated all allegations of Abuse, including those that do not amount to conduct that must be reported externally.
- (d) The Child Protection Officer must carry out all investigations in a way which affords procedural fairness to the Volunteer involved. This means that, before completing an investigation, the Child Protection Officer must inform the Volunteer of the substance of the allegation against them and provide them with a reasonable opportunity to put their case forward (if required by the Volunteer, with the assistance of a support person of the Volunteer's choice). Normally, the Child Protection Officer is to decide the timing and the particular form this will take, ensuring the investigation is not compromised. It also means that the Child Protection Officer must:
  - i. Act fairly and without bias;
  - ii. Conduct the investigation without delay;
  - iii. Ensure the case is not investigated or determined by someone with a conflict of interest;
  - iv. Ensure the outcome is supported by the evidence;
  - v. Take steps to maintain confidentiality for the sake of all parties involved.
- (e) At the conclusion of the investigation, the Child Protection Officer may recommend:
  - i. If the breach is minor, resulting from a misunderstanding of how certain words or behaviours were understood, require from the Volunteer an apology and a commitment not to repeat the offence;
  - ii. If it is more serious, require from the Volunteer:
    - (A) An undertaking to attend counselling;
    - (B) A written apology;
    - (C) A commitment not to repeat the offence; and
- (f) In the most serious case, recommend the suspension of the Volunteer's involvement with EDA.
- (g) The Child Protection Officer must advise the Alleged Victim and the Volunteer in writing of the result of the investigation and the action taken.
- (h) If the Alleged Victim or Volunteer are unhappy with the conduct or result of investigation, they may take their complaint to the Child Protection Officer and, if dissatisfied with the Child Protection Officer's response, to the Department of

Family and Community Services, the Police or any other relevant authority depending on the circumstances.

## **7.6 Concern Policy Not Being Followed**

If a parent or Child has any concerns that these processes are not being followed, they should speak to the Principal of the relevant Centre, another Leader, EDA's Officers or the Child Protection Officer.

## **7.7 Pastoral care**

- (a) The Principal of the relevant Centre or the Child Protection Officer must, as soon as possible, advise the parents or caregivers of a child alleged to be the victim of conduct that is reportable (**Alleged Victim**), unless they are satisfied that:
  - (i) The Department of Family and Community Services intends to notify the Child's parents or caregivers promptly; and
  - (ii) EDA will not be in breach of its duty of care to the Child or to other Children by not advising the parents or caregivers.
- (b) EDA must make available counselling services to provide counselling and other support that may be required to:
  - (i) An Alleged Victim;
  - (ii) An Accused; and
  - (iii) Where relevant, their families.
- (c) Further, EDA may refer these people to external agencies able to provide relevant care and support.

## **8. Definition of Abuse and Grooming**

### **8.1 Abuse**

Child Abuse is generally categorised in the following five ways: physical, sexual, emotional, psychological or neglect. Understanding the nature of Abuse and being able to recognise it is a crucial first step to countering the risk of Abuse.

For the purposes of this Policy, Abuse includes sexual misconduct committed against, with or in the presence of a child, and which includes grooming and use of explicit language.

### **8.2 Physical Abuse**

Physical Abuse is when someone is deliberately hurt, or is at serious risk of being physically hurt, by their parents or carers. This can include punching, kicking, shaking or throwing, scalding/burning, strangling, or leaving a child alone in a car. It can also be from physical discipline, or by being given illicit drugs including alcohol. These injuries are not treated as accidental.

### **8.3 Sexual Abuse**

Sexual Abuse is children and young people being exposed to inappropriate sexual activity. This includes being involved in sexual acts (masturbation, fondling, oral sex or penetrative sex); or witnessing sexual activity either directly or through pornography.



#### **8.4 Emotional Abuse**

Emotional Abuse is being treated in ways that damages a child's ability to feel and express a range of emotions. This can be caused by behaviours that occur over time, such as verbal Abuse and teasing, rejection, physical or social isolation, threats and bullying.

#### **8.5 Psychological Abuse**

Psychological Abuse is being treated in ways that damages a child's self-esteem, personal and moral development and intelligence. This can be caused by behaviours that occur over time, for example, belittling, threatening, isolating and causing the child to feel worthless.

#### **8.6 Neglect**

Neglect is not providing enough care or supervision so that the child is injured or their development is damaged. It includes lack of food, shelter, affection, supervision, untreated medical problems and abandonment.

#### **8.7 Grooming**

"Grooming" may be a precursor to Abuse. It is defined as communication with a child where this is an intention to meet and commit a sex offence.

Generally, grooming refers to the process by which an individual manipulates those around them to provide opportunities for Abuse and reduce the likelihood of being reported or discovered. While victims are 'groomed', this preparatory behaviour may also involve a victim's family and other Adults.

The grooming process can include:

- A. Exhibit frequent physical affection such as kissing, hugging, stroking hair or wrestling even when the child clearly does not want it or it is not required;
- B. Encourage child or particular children to sit on their lap and offer regular physical comfort or reassurance to a particular child without a recognised cause;
- C. Spend most of their spare time with children and have little interest in spending time with people their own age;
- D. Frequently arrive uninvited to places where the child or their family will be in a series of 'coincidences';
- E. Regularly offer support to the family members of the child such as offering to babysit children for free, transport children to events, help out at social occasions involving the child or take children on outings alone;
- F. Offer to drive children home or collect children from events on a regular basis;
- G. Frequently walk in on children in the bathroom or their bedrooms;

- H. Treat a particular child or group of children as favoured, making them feel special compared with others in a group;
- I. Purchase gifts or collect items of interest regularly for a specific child or group of children;
- J. Tell secrets to a child and encourage the keeping of secrets;
- K. Display ambiguous sexual behaviour, e.g. showing the child pictures of other children; and
- L. Display clearly inappropriate sexual behaviour, e.g. showing the child pornographic pictures, using explicit sexual language around children.

These behaviours may not indicate risk if occurring in isolation but if there is a pattern of behaviour occurring, it may indicate grooming. Grooming behaviour constitutes a form of sexual misconduct.

Unfortunately, identifying sexual grooming of children isn't always straightforward. Grooming may occur for up to 12 months before actual sexual Abuse takes place (it may be much shorter too). There may not be any conscious motivation to sexually Abuse a child until just before the Abuse occurs. In both cases, there are often opportunities to observe and intervene, even before the would-be Abuser is fully aware of what may become sexual intentions.

## 9. Confidentiality and Record-keeping

- (a) EDA recognises the sensitive nature of reporting and responding to Child Abuse and therefore will protect, as far as is practicable, information pertaining to Alleged Victims, the people who report and those Accused.
- (b) Importantly, it should be remembered that legislation protects a person who reports Child Abuse or suspected Child Abuse.
- (c) A person can make a report anonymously. Generally, a person accused of Child Abuse who becomes aware of the identity of the person who made the report must not disclose the identity of that person to anyone else. The exception is when the disclosure is made to a person acting in the course of official duties, or is made with the consent of the person who made the complaint. In this context, EDA will share information with the Police and the Department of Family and Community Services, at its discretion in accordance with its duty of care to the interests of protecting Children, or as required by law.
- (d) Confidential records concerning Abuse cases will be maintained in a secure environment and retained indefinitely by EDA. Access will be strictly controlled, with approval to access the files resting with EDA's Officers and the Child Protection Officer, any one of whom may approve access.
- (e) Only EDA's Officers, the Child Protection Officer or a Principal are authorised to comment on Child protection issues to the public or to the media. A breach must be reported to an EDA Officer or the Child Protection Officer.

## 10. Policy Review

### 10.1 General

- (a) This Policy will be reviewed annually.

- (b) This Policy will be reviewed soon after the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse have been released and, further, soon after any legislative reform that might follow.

## **10.2 Feedback from Parents and Children**

- (a) EDA is committed to promoting the participation of parents and Children in the development of this Policy.
- (b) EDA encourages the parents of Children to make suggestions to improve this Policy
- (c) Each Centre will ensure that this Policy is readily available to the parents.
- (d) Suggestions are to be taken seriously and to be considered.

## Schedule 1: Requirements for 'Working With Children Check'

Explanation of law – including extracts of relevant sections of legislation, and info on penalties for non-compliance

### In accordance with section 9 of the *Child Protection (Working with Children) Act 2012 (NSW)*:

“(1) An employer will not commence employing, or continue to employ, a worker in child-related work if the employer knows or has reasonable cause to believe that:

- (a) the worker is not the holder of a working with children check clearance that authorises that work and that there is no current application by the worker to the Children’s Guardian for a clearance of a class applicable to that work, or
- (b) the worker is subject to an interim bar.

Maximum penalty: 100 penalty units, in the case of a corporation, and 50 penalty units in any other case.”

Under section 5 of that Act,

“employer” includes:

- “(a) a person who, in the course of business, arranges for the placement of a person in employment with others, or
- (b) a person who engages a person under a contract to perform work, or
- (c) a person who engages a worker to perform work as a volunteer for the person under an agreement (whether written or unwritten)”;and

“worker” means:

“any person who is engaged in work in any of the following capacities:

- (a) as an employee,
- (b) as a self-employed person or as a contractor or subcontractor,
- (c) as a volunteer,
- (d) as a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience),
- (e) as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation.”

### Under section 17 of the *Crimes (Sentencing Procedure) Act 1999 (NSW)*:

Unless the contrary intention appears, a reference in any Act or statutory rule to a number of penalty units (whether fractional or whole) is taken to be a reference to an amount of money equal to the amount obtained by multiplying \$110 by that number of penalty units.

### Section 8 of *Child Protection Act* provides:

“(1) A worker will not engage in child-related work unless:

- (a) the worker holds a working with children check clearance of a class applicable to the work, or
- (b) there is a current application by the worker to the Children’s Guardian for a clearance of a class applicable to that work.

Maximum penalty: 100 penalty units, or imprisonment for 2 years, or both.”

## Schedule 2: Duty to Report Externally

Explanation of law – including extracts of relevant sections of legislation, and info on penalties for non-compliance

### NSW

**Section 27 of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)* provides:**

(1) This section applies to... a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children.

(2) If:

- (a) a person to whom this section applies has reasonable grounds to suspect that a child is at risk of significant harm, and
- (b) those grounds arise during the course of or from the person's work

it is the duty of the person to report, as soon as practicable, to the Secretary the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm.

(3) A person to whom this section applies satisfies his or her obligations under subsection (2) in relation to two or more children that constitute a particular class of children if the person reports that class of children to the Secretary together with:

- (a) a description that is sufficient to identify all the children who constitute the class, and
- (b) the grounds for suspecting that the children of that class are at risk of significant harm.

### Schedule 3: Volunteers Code of Conduct Agreement

(Note: it is a requirement of EDA’s Child Protection Policy that all volunteers working with children agree to the following code of conduct.)

**I agree to do the following:**

- 1) Read EDA’s Child Protection Policy and make an ongoing effort to familiarise myself with the policy, including any future developments;
- 2) Attend and concentrate in all training sessions EDA provides on Child protection issues;
- 3) Treat each Child with equal respect and consideration, without favouritism, and take all reasonable steps to ensure his or her safety and welfare at all times;
- 4) Think and act carefully about taking risks with the safety of Children;
- 5) Take great care over whatever I say to Children and also the way in which I say it at all times; and
- 6) Be clear about what is appropriate and inappropriate physical contact with Children;

**I agree to strictly avoid the following:**

- 7) All situations, actions and language that compromise a relationship of trust with Children;
- 8) All situations that could lead to difficulties or accusations of Abuse;
- 9) Any contact that could be misunderstood;
- 10) Physical horseplay and taking part in contact games where there is a danger that others might misinterpret actions, no matter how innocently intentioned;
- 11) Any verbal Abuse;
- 12) If a Child wishes to speak exclusively with me, or vice-versa, have this one-to-one conversation only in a public place or in rooms designed so as to be open to view by others;

Signature: .....

Name: .....

Date: .....

## Schedule 4: Parental Consent Form for Parent or Guardian

(Sample form)

As a parent/care giver of

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I give my consent for him to participate in the activities of [the Centre] and I agree to delegate my authority to the supervisor(s) and assistant(s) involved. Such persons may take whatever measures they deem reasonable to ensure the safety, well-being and good conduct of the boys as a group and individually.

I also give my consent to the supervisor(s) and assistant(s) to obtain any medical assistance or ambulance transportation which they may deem necessary should illness or accident occur, and agree to pay any resulting expenses. I further authorise qualified medical practitioners to administer any appropriate medical treatment deemed necessary, and the qualified supervisor(s) and assistant(s) of [the Centre] to administer whatever first aid they deem prudent.

I give permission for [the Centre] staff to take and use photos and / or video recordings of the above-mentioned young person for promotional purposes.

Signature: .....

Name: .....

Role: .....

Date: .....