General Policies and Procedures

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Policy 4.30 Child Safe Code of Conduct

Version 3

Date: October 2023

Purpose

Birrang is committed to creating and maintaining an environment that promotes the safety of all children. This includes encouraging a culture where the prevention and reporting of abuse is supported and encouraged. All staff and volunteers are responsible for promoting the safety, wellbeing and empowerment of children.

Scope

This Code of Conduct sets expectations for how adults in our organisation should behave around children. This is important to help prevent children from being harmed. Child abuse takes many forms and can include physical, sexual and psychological abuse, ill-treatment and neglect. Our Child Safe Policy 4.31 provides more information about these different types of abuse.

This Code of Conduct identifies positive child safe behaviours that we encourage all adults to support. It also identifies behaviours that we consider unacceptable. Engaging in unacceptable behaviour is a breach of this Code of Conduct and may result in managerial or disciplinary action.

Some examples of concerning behaviours are also provided below. These are behaviours that on their own may not constitute a breach of the Code of Conduct but together may indicate a pattern of behaviour that poses a risk to the safety of children.

The Child Safe Code of Conduct applies to all components of Birrang 's work, including the use of digital technology and social media.

We will meet the Child Safe Code of Conduct by:

- Working to prevent discrimination and actively promote the participation and inclusion of all children and young people, recognising in particular:
 - Ensuring the cultural safety of Aboriginal children and young people
 - Ensuring the cultural safety of children and young people from culturally and/or linguistically diverse backgrounds
 - Ensuring the safety of children and young people with a disability
- Gender diversity and the safety of same sex attracted young people.
- Modelling appropriate adult behaviour
- Listening to children and young people and responding to their needs appropriately
- Reporting any allegation of child abuse to the Chief Executive Officer (CEO) and ensuring any child criminal matters are referred to Police.
- Treat all children and young people with respect
- Listen to and value children and young people's ideas and opinions
- Welcome all children and their families and carers by being inclusive
- Actively promote cultural safety and inclusion
- Listen to children and respond to them appropriately
- Welcome parents and carers to participate in decisions about their child's training schedule and any other matters about their safety
- Report any conflicts of interest (such as an outside relationship with a child)
- Adhere to all relevant Australian and NSW legislation and our child safe policies and procedures
- Work within a team to ensure that the needs of the child (and their family) remain the paramount focus
- Participate in all compulsory training
- Raise concerns with management if risks to child safety are identified, including cultural, environmental and operational risks
- Report and act on any concerns or observed breaches of this Code of Conduct
- Take all reasonable steps to protect children from abuse

- Respect the privacy of children and their families by keeping all information about child protection concerns confidential
- Inform parents and carers if there are situations that need to be safely managed but are
 outside the boundaries of this Code of Conduct (such as driving lessons or undertaking one-onone training sessions)
- Take a child seriously if they disclose harm or abuse
- Ensure breaches of this Code are reported immediately
- Uphold the rights of the child and always prioritise their needs

Birrang staff and volunteers treat the input of children and young people seriously and they will not:

- Condone or participate in illegal, unsafe or abusive behaviour towards children, including physical, sexual or psychological abuse, ill-treatment, neglect or grooming
- Ignore or disregard any concerns, suspicions or disclosures of child abuse
- Exaggerate or trivialise child abuse issues
- Use hurtful, discriminatory or offensive behaviour or language with children
- Fail to report information to police if I know a child has been abused
- Engage in unwarranted and inappropriate touching involving a child
- Persistently criticise and/or denigrate a child
- Deliberately prevent a child from forming friendships
- Verbally assault a child or create a climate of fear
- Offer children and young people alcohol, cigarettes or other drugs
- Show children pornographic images
- Encourage a child to communicate with me in a private setting
- Share details of sexual experiences with a child
- Develop 'special' relationships with specific children or show favouritism through the provision of gifts or inappropriate attention.
- Exchange personal contact details such as phone number, social networking site or email addresses with children
- Have unauthorised contact with children and young people in person, online or by phone.
- Use sexual language or gestures in the presence of children

All staff, volunteers, families, and community members are encouraged to speak up if they have concerns about the safety of children. Complaints about a breach of this Code of Conduct must be reported to our Chief Executive Officer, Tim Smith.

Tim can be contacted on his mobile: 0419 132 347, or via his email: tim.smith@birrang.com.au

Some breaches of this Code of Conduct may need to be reported to the NSW Police, the Department of Communities and Justice and the Office of the Children's Guardian. Our Complaint Handling Policy provides more information about our reporting obligations to external authorities as well as describing protections and confidentiality provisions for anyone making a report. The policy can be found by asking at the front desk. It is also available as a link on our website www.birrang.com.au

Staff and volunteers who breach our Code of Conduct may also be subject to disciplinary action. This can include increased supervision, appointment to an alternative role, suspension, or termination from the organisation. Detailed descriptions of breaches are found in our Disciplinary Policy. This can be found by asking at the front desk. It is also available as a link on our website www.birrang.com.au

PLEASE NOTE:

An adult in child-related work in an organisation will commit an offence if they know another adult there poses a serious risk of abusing a child (under 18 years), and they have the power to reduce or remove the risk, and they negligently fail to do so.

All adults in NSW are required to report information to police if they know, believe or reasonably ought to know that a child (under 18 years) has been abused.

Policy Review and Continuous Improvement

Birrang continuously enhances its services to guarantee optimal results for Participants through ongoing Quality Improvement. Our committee members will systematically reassess Birrang's Policies and Procedures. This review will occur at least once a year, and following any significant incidents, to reflect updates in Legislation, best practice guidelines, community perspectives, amendments in the National Disability Insurance Scheme Guidelines, and the NDIS Quality and Safeguards Commission's compliance standards. Additionally, in any policy revision directly affecting them, children and young people's input will be integral.

Policy 4.31 Child Safe Policy

Version 2 October 2023

Purpose

Birrang is unwavering in its commitment to the safety and welfare of children and young people. Recognising the vulnerabilities of this demographic, the primary purpose of this Child Safety Policy is threefold:

- 1. Demonstrate Commitment: To unequivocally show our steadfast dedication to ensuring that every child and young person within our purview is safe, respected, and protected from harm.
- 2. Minimise Risks: To proactively put in place measures and guidelines that minimise the risk of abuse, any form of misconduct, and the misuse of positional power.

Scope and audience

This policy is comprehensive and applies to:

- Board Members: Ensuring that those at the highest level of governance within Birrang are aligned with our commitment to child safety.
- People in Leadership Roles: Ensuring that those who lead teams or projects uphold and propagate our child safety standards.
- Staff Members: All employees, regardless of their role or seniority, are bound by the guidelines and expectations set forth in this policy.
- Volunteers: Everyone who offers their time and service to Birrang, even if not in a formal employment capacity, is expected to adhere to our child safety standards.
- Contractors: All external parties who engage in any form of contractual work with Birrang must align with our commitment to child safety.
- Children and Young People: This policy serves to protect their rights, safety, and well-being.
- Families, Carers, and Communities: While they are integral partners in our mission, they are also stakeholders who need to be aware of and supportive of our child safety measures.

This Child Safety Policy is broad in its application, covering all activities, programs, and interactions that relate to or involve children and young people. Whether it's a formal program, an outreach activity, an event, or any other initiative, if it involves children, the principles and guidelines of this policy are in effect. Our aim is to ensure a consistent, organisation-wide approach to child safety, regardless of the context or setting.

Responsibilities

At Birrang, we recognise that our Organisational Culture is the backbone of our day-to-day operations. This culture is not a tangible asset. It's the shared set of values, beliefs, assumptions, and behaviours that guides our employees in determining the right approach and conduct within our organisation.

Importance of Organisational Culture in Child Safety

Shared Values and Beliefs:

While we embrace a diverse workforce comprising individuals from different communities, bringing
varied personal values and belief systems, it is imperative for Birrang to establish its distinct culture
and values. This ensures that every staff member, regardless of their background, is unequivocally
clear about the expected behaviours, especially concerning children.

Child Safe Culture Defined:

- A unanimous commitment by all staff towards a shared purpose, mindset, and behaviours that prioritise children and their safety.
- Leadership that not only establishes but actively reflects the paramount importance of child safety through their actions.
- Incorporation of child safety and well-being into every policy and procedure we implement.

• Rituals, narratives, and daily practices that exemplify our commitment to child safety.

Building and nurturing relationships with colleagues, children, young people, families, and other stakeholders that underscore our commitment to child safety.

Role of Policies and Procedure

Policies and procedures are more than just documents; they are declarations of intent. They chart the course for how Birrang aims to establish, nurture, and enhance a culture that is inherently safe for children. However, the onus of ensuring that these policies are not just on paper but are lived everyday rests primarily with the leaders of Birrang. It is their responsibility to embody, promote, and uphold the 10 child safe standards, ensuring that every individual in the organisation is aligned with this vision.





Child safe standards resources can be found on the Office of the Children's Guardian website. Resources | Office of the Childrens Guardian

Definitions

This table below lists unacceptable behaviours (misconduct) and concerning behaviours as they relate to the different forms of child abuse.

Positive behaviours

General

Adhering to relevant Australian and NSW legislation, peak body requirements, your organisational values, Child Safe Policies, and other organisational and employment policies (including those that cover discrimination, bullying and harassment).

Acting with integrity by raising concerns with management if risks to child safety are identified anywhere in an organisation.

Reporting and acting on any behavioural complaints, concerns or observed breaches regarding the Code of Conduct.

Reporting any concern, allegation, disclosure or witnessing of child abuse to the relevant person or authority.

Specific

Taking all reasonable steps to protect children from abuse (such as completing all induction and compulsory training and working in an open transparent manner).

Respecting the privacy of children and their families by keeping all information regarding Child Protection concerns confidential and only discussing information with the relevant people to follow your organisation's reporting procedures.

Treating all children and young people with respect, regardless of race, colour, sex, gender identity, sexual orientation, language, religion, political or other opinion, health status, national, ethnic, or social origin, culture, property, ability, or other status.

Reporting any conflicts of interest (such as an outside relationship with a child, babysitting arrangements or any other formal or informal relationships with a child that exist outside your organisational setting).

Listening to and valuing children and young people's ideas and opinions.

Welcoming all children and their families and carers by being inclusive.

Actively promoting cultural safety and inclusion.

Listening to children and responding to them appropriately.

Working with children in an open and transparent way (so that other adults always know what work you are doing with children).

Dressing in clean, appropriate clothing and following any dress code standards or guidelines (including avoiding clothing that is revealing or that includes offensive language or pictures).

Working within a team, despite any differences, to ensure that the needs of the child (and their family) remain the paramount focus.

Unacceptable Behaviours

General

Condoning or participating in behaviour with a child that is illegal, unsafe, or abusive Ignoring or disregarding any concerns, suspicions or disclosures of child abuse Exaggerating or trivialising child abuse issues.

Using hurtful, discriminatory, or offensive behaviour or language with a child

Failing to report information to police if they know, believe or reasonably ought to know that a child has been abused.

Trivialising the subject of child abuse, such as telling jokes that make light of children being hurt.

Using unacceptable language or telling unacceptable stories or jokes in front of children

Physical abuse

Hitting, striking, punching, kicking, or slapping a child

Engaging in rough physical games

Throwing items or using items to hurt a child.

Dragging or pushing a child

Threatening to hurt a child through words or gestures, regardless of whether the person intends to apply force.

Using hostile force towards a child and/or a pattern of hostile or unreasonable and seriously inappropriate physical conduct.

Sexual	Sexual touching of a child Sexual contact with a child
abuse	Masturbating in front of a child or exposing genitals Possessing or creating child abuse material.
	Sharing sexually explicit photos of a child
	Exposing a child to pornography or other indecent material
	Giving a child gifts, food, money, attention, or affection in exchange for sexual activities or images.
	Not respecting the privacy of a child when they are using the bathroom or changing.
	Communicating (including online) with a child about romantic, intimate, or sexual feelings for a child
	Using a camera to record a child while they are dressing, bathing, or using the bathroom Comments that express a desire to act in a sexual manner with a child.
	Using sexual language or gestures in the presence of children
	Sexual comments, conversations, or communications with a child
Emotional	Teasing a child
abuse	Yelling at a child
	Bullying a child
	Persistent criticism and discrediting of a child.
	Persistent rejection of or hostility towards a child
	Refusing to acknowledge a child's worth and the legitimacy of their needs.
	Deliberately preventing a child from forming friendships
	Depriving a child of essential stimulation and responsiveness
	Encouraging a child to engage in destructive, antisocial behaviour.
	Exposing a child to family violence
	Making a child feel worthless, unloved, alone, or frightened
Neglect	Depriving a child of necessities such as food and drink, clothing, critical medical care or treatment, or shelter
	Failing to protect a child from abuse (such as, failing to report abuse when a child discloses it or when a staff member observes it)
	Exposing a child to a harmful environment (such as, an environment where there is illicit drug use or illicit drug manufacturing)
	Failing to adequately supervise a child, resulting in injury or harm
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III- treatment	Making excessive and/or degrading demands of a child
	Disciplining or correcting a child in an unreasonable and seriously inappropriate or improper manner
	Seriously inappropriate and/or degrading comments or behaviour towards a child
	Repeated hostility towards a child
	Seclusion and other types of restrictive practices Locking up a child in a room.
	Pushing a child to train or perform when they are injured
Grooming	Engaging in unauthorised contact with a child online for the purpose of developing a sexual relationship
	Using a computer, mobile phone, camera, or another device to exploit or harass a child.
	Unacceptable personal communication that explores sexual feelings or intimate personal feelings with a child
	Sharing details with a child of one's own sexual experiences Inappropriately extending a relationship with a child outside of work.
	Giving a child special attention or isolating them from peers with the intention of making it easier to access the child for sexual activity.
	Offering a child gifts, food, cigarettes, money, attention, or affection with the intention of making it easier to access the child for sexual activity.
	Making close physical contact, like inappropriate tickling and 'play' wrestling
Failure to prevent/ report abuse	An obvious or very clearly unreasonable failure to respond to information strongly indicating that another adult working at the organisation poses a serious risk of abusing a child.
	Knowing or believing, that a child has been abused and not reporting it to police (or not reporting in circumstances where the person ought reasonably to have known).
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Child Safe Statement

Commitment to Safeguarding Children and Young People

Birrang is steadfast in its commitment to nurturing a child-safe environment, actively supporting children and young people, their parents, guardians, families, and communities. We ensure that every staff member and volunteer associated with Birrang is wholeheartedly committed to the protection and well-being of children and young people.

Our Commitment to Children and Young People

We pledge to:

- Offer a safe and supportive setting.
- Guarantee that all interactions with children and young people are devoid of harmful behaviour, including child abuse, neglect, or grooming.
- Empower children and young people, making them confident to stand against unacceptable behaviour.
- Ensure children and young people are aware of who to confide in if they confront child safety concerns.
- Present age-appropriate and ability-specific codes of conduct to everyone engaged with Birrang.

- Instate a reporting mechanism that is easily accessible, ensures timely and unbiased responses, maintains proper records, and liaises with pertinent authorities when required.
- Extend support to any child or young person who comes forward with concerns or is suspected to be at risk.
- Our Commitment to Parents, Carers, Families, and Communities
- Birrang prioritises the safety of children and young people and is committed to assisting every adult connected to our organization in upholding this priority.

We aim to:

- Clearly communicate our child safety expectations to all adults engaged with Birrang.
- Disseminate information regarding child safety, including guidance on reporting any concerns or breaches of our codes of conduct.

Our Dedication to Being a Child Safe Organization

We strive to:

- Ensure all individuals associated with Birrang, from providers to staff, adhere to our codes of conduct. This is achieved by publicising these codes and emphasising their significance to all stakeholders.
- Employ child-safe recruitment strategies, encompassing the Working with Children Check (WWCC) and other relevant screenings, see policy 5.1 Recruitment of Staff.
- Orient all members to acknowledge their role in child protection and offer continuous learning opportunities related to child safety.
- Undertake measures to ensure no staff member or volunteer at Birrang engages in inappropriate conduct with children or young people.
- Ensure all members of Birrang are aware of the protocols for reporting any safety concerns or allegations.
- Offer appropriate support to any individual within Birrang who confronts, or reports issues related to abuse, neglect, or grooming.

Related legislation, regulations, and standards

- Children's Guardian Act 2019
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Children and Young Persons (Care and Protection) Act 1998
- Crimes Act 1900
- Children and Young Persons (Care and Protection) Regulation 2012
- Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015
- Disability Inclusion Act 2014
- United Nations Convention of the Rights of the Child
- Child Safe Standards
- NDIS Act 2013

Publications

Birrang's commitment to child safety, as outlined in our Child Safe Policy, will be widely publicised across our social media channels, official website, physical noticeboards, and will be consistently highlighted during staff meetings, public engagements, as well as inductions and training sessions for comprehensive awareness and alignment.

Related documents

- 4.30 Child Safe Code of Conduct
- 4.32 Child Safe Reporting Policy
- Child Safe Risk Management Plan (CSRMP) see G:\Compliance\4. WHS\Child Safe
- 5.1 Recruitment of Staff

POLICY REVIEW AND CONTINUOUS IMPROVEMENT

Birrang continuously enhances its services to guarantee optimal results for Participants through ongoing Quality Improvement. Our committee members will systematically reassess Birrang's Policies and Procedures. This review will occur at least once a year, and following any significant incidents, to reflect updates in Legislation, best practice guidelines, community perspectives, amendments in the National Disability Insurance Scheme Guidelines, and the NDIS Quality and Safeguards Commission's compliance standards. Additionally, in any policy revision directly affecting them, children and young people's input will be integral.

Policy 4.32 Child Safe Reporting

Version 1 October 2023

Purpose

The primary objective of this policy is to ensure the safety and well-being of children and young people under the care or supervision of our organisation. We are committed to establishing, maintaining, and continually refining our child-safe reporting practices to ensure they remain effective and responsive.

Scope

This policy applies to everyone within our organisation, including children, young people, staff members, and volunteers. It establishes the guidelines and procedures for identifying, reporting, and addressing complaints related to the safety and welfare of children and young people.

Definitions

1. Psychological abuse

Includes bullying, threatening and abusive language, intimidation, shaming, and name calling, ignoring, and isolating a child, and exposure to domestic and family violence.

Physical abuse

Includes physical punishment such as pushing, shoving, punching, slapping, and kicking, resulting in injury, burns, choking or bruising.

3. Sexual abuse

Includes the sexual touching of a child, grooming, and production, distribution, or possession of child abuse material (often known as photography).

4. Grooming

The process where a person manipulates a child or group of children, and sometimes those looking after them, including parents, carers, teachers, and leaders. They do this to establish a position of trust so they can then later sexually abuse the child.

5. Misconduct

Inappropriate behaviour that may not be as severe as abuse, although could indicate that abuse is occurring and would often be in breach of an organisation's Child Safe Code of Conduct*, including showing a child something inappropriate on a phone, having inappropriate conversations with a child or an adult sitting with a child on their lap.

6. Lack of appropriate care

Includes not providing adequate and proper supervision, nourishment, clothing, shelter, education, or medical care.

* Please refer to policy 4.30 Child Safe Code of Conduct for a full list of acceptable and unacceptable behaviours at our organisation.

Note: As a relevant entity, our organisation must also report reportable conduct.

Procedure

1. Types of Complaints (What to Report)

It is mandatory to report all complaints, which encompass:

- Criminal conduct.
- Risk of significant harm (ROSH).
- Disclosures of abuse.
- Unacceptable behaviour around children and young people, violating our Child Safe Code of Conduct.

- Suspicion of harm or abuse to a child or young person.
- Reportable conduct.

2. Making a Complaint (Who Can Report)

All members of our organisation, including children, young people, staff, and volunteers, are entitled to lodge a genuine complaint without fear of retaliation.

Reporting abuse is obligatory and supported – it will never be obstructed or discouraged.

Reporting criminal conduct

Contact NSW Police on 131 444 for anything you consider could be a criminal offence. This includes sexual assault, physical assault, grooming offences, and producing, disseminating, or possessing child abuse material.

Note: It is a criminal offence for adults not to report to police if they know or believe that a child abuse offence has been committed. In addition, people employed in child-related work may be subject to a criminal offence if they fail to reduce or remove the risk of a child becoming a victim of child abuse.

Reporting risk of significant harm

Any person who has reasonable grounds to believe that a child or young person is at risk of significant harm (ROSH) can report to the Department of Communities and Justice (DCJ) on 132 111 (this is a 24-hour service).

Mandatory reporters must report to the <u>ChildStory Reporter Community</u> (https://reporter.childstory.nsw.gov.au/s/) if they have reasonable grounds to suspect a child is at ROSH.

Reporting allegations and convictions

Relevant entities must notify the Office of the Children's Guardian of reportable allegations or convictions (that is, reportable conduct). This includes sexual offences, sexual misconduct, ill-treatment of a child, neglect of a child, an assault against a child, failure to protect a child or failure to report if a child has been harmed, as well as any behaviour that causes significant psychological harm to a child.

Reporting breaches of our Child Safe Code of Conduct

All complaints must be reported to the CEO and/or Program Manager.

3. Risk Management Strategies

Upon receiving an allegation, prioritise the safety of the child:

- Ascertain the child's welfare and ensure they are distanced from potential risk.
- Offer reassurance while maintaining calmness.
- Listen attentively without disruption.
- Refrain from asking leading or superfluous questions.
- Support the child, affirming their actions and ensuring them the situation isn't their fault.
- Outline subsequent procedures, including expected timeframes.
- Avoid making unfulfillable promises or confronting the alleged perpetrator.
- If uncertain about the correct course of action, consult for guidance. The CEO is tasked with performing a risk assessment post-allegation to secure everyone's safety and uphold the investigation's credibility.

4. Procedural Fairness, Including Privacy and Confidentiality

All allegations are addressed fairly, transparently, and promptly.

Workers implicated in an allegation will be informed about impending disciplinary hearings and their procedures.

We adhere to the provisions of the Privacy Act 1988 (Commonwealth) and coordinate with the OCG's Reportable Conduct Directorate during relevant reportable conduct investigations.

All details are documented, and a Child Safe Reporting form will be completed.

This reporting form is a safeguarded and only accessible to those overseeing the investigation.

Information can be shared, as stated in Chapter 16A of the Child and Young Persons (Care and Protection) Act 1998, with other relevant agencies.

Our organisation ensures the privacy of involved parties per the Privacy and Personal Information Protection Act 1998.

If a case is verified, resultant actions or responses will be determined by the CEO or from guidance provided by appropriate authorities (police, DCJ, or OCG).

5. Complaint Process

After registering a complaint, the following procedure ensures its effective management:

- Undertake steps to protect the child from harm.
- Document the incident.
- Satisfy reporting requirements, if applicable.
- Conduct a thorough investigation, keeping all relevant parties updated.
- Provide sustained support to the affected child as necessary.
- Evaluate the situation and amend the organisation's child-safe policies when needed.

6. Legislation

- Crimes Act 1900
- Child and Young Persons (Care and Protection) Act 1998
- Children's Guardian Act 2019 Privacy Act 1988 (Commonwealth)
- Privacy and Personal Information Protection Act 1998

7. How we publicise our Child Safe Reporting Policy

To ensure everyone in our organisation is aware of our Child Safe Reporting Policy and their reporting obligations we:

- Hold information sessions about our child safe policies and how they apply to families, workers, and children.
- Create and display important information from our Child Safe Reporting Policy that describes what to report, who to report to and how to report.
- Provide workers with internal and external training opportunities so they understand our processes for complaints and allegations.

Policy Review and Continuous Improvement

Birrang continuously enhances its services to guarantee optimal results for Participants through ongoing Quality Improvement. Our committee members will systematically reassess Birrang's Policies and Procedures. This review will occur at least once a year, and following any significant incidents, to reflect updates in Legislation, best practice guidelines, community perspectives, amendments in the National Disability Insurance Scheme Guidelines, and the NDIS Quality and Safeguards Commission's compliance standards. Additionally, in any policy revision directly affecting them, children and young people's input will be integral.