

## 1. PURPOSE

To provide governance on Holmesglen's approach to promoting and protecting the interests, safety and wellbeing of children, and to ensure that all directors, employees, contractors and volunteers of Holmesglen are aware of the Institute's commitment and obligation to creating a child safe organisation.

## 2. SCOPE

Applies to all directors, employees, contractors and volunteers at Holmesglen.

## 3. POLICY STATEMENT

Holmesglen is committed to promoting and protecting the safety and wellbeing of children. All children have equal rights to protection from abuse regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background and be provided with a culturally safe environment where their views and concerns are heard.

## 4. PRINCIPLES

4.1 Child safety and wellbeing is a shared responsibility of all directors, employees, contractors and volunteers and members of the Holmesglen community who must:

- (i) be responsible for the care and protection of the children within our care
- (ii) display appropriate standards of behaviour towards children and
- (iii) abide by Holmesglen's Code of Conduct for Child Safety ([Appendix 1](#) of this Policy).

4.2 Holmesglen will:

- take a zero tolerance position on child abuse (including grooming), and take all allegations of child abuse and safety concerns seriously, ensuring such conduct is dealt with in accordance with Holmesglen policies, procedures and the law
- uphold the rights of children who come into contact with Holmesglen so that they feel heard on matters relevant to their safety and that they feel safe and protected
- actively demonstrate its commitment to preventing child abuse and identifying risk early, and act to remove and reduce these risks
- rigorously uphold its legal and moral obligations to contact authorities when there are concerns about a child's safety
- ensure that it has robust human resources and recruitment practices for all employees, contractors and volunteers
- establish a culturally safe environment for Aboriginal and Torres Strait Islander children and those from culturally and/or linguistically diverse backgrounds, and consider their needs in providing that environment
- provide a safe environment for, and consider the needs of:
  - children with a disability, and consider their needs in providing that environment
  - children who have suffered trauma, and consider their needs in providing that environment
  - same sex attracted and intersex children and young people, recognising gender diversity in providing a safe environment
- provide an environment where children and young people can participate, express their views and raise their concerns

- ensure that families and communities are informed, and involved in promoting child safety and wellbeing
- ensure that it has specific policies, procedures and training in place to achieve these commitments and require all directors, employees, contractors and volunteers to uphold these commitments
- ensure that all directors, employees, contractors and volunteers are aware of their obligations under the legislation that criminalises ‘failure to protect’ or ‘failure to disclose’ child abuse to the authorities.

4.3 Holmesglen mandates that:

- all employees, especially those who are likely to come into regular contact with children, undertake appropriate professional learning and training to develop and maintain an understanding of child safety, prevention of harm, how to identify, assess and minimise risks of child abuse and to detect potential signs of child abuse
- all Directors, employees, contractors and volunteers of Holmesglen must hold a valid Working with Children Check at all times whilst employed or working with Holmesglen
- all children, families, directors, employees, contractors and volunteers understand their obligations with respect to child safety; and know the correct process to and to whom to report if they observe or reasonably believe abuse is occurring, are a victim, or if they notice inappropriate behaviour
- all allegations of child abuse and reportable conduct are taken seriously and a structured process is in place for reporting and acting on concerns and allegations
- the risk of sexual abuse to a child under the care or supervision of Holmesglen is removed or reduced once it is noticed that an adult associated with Holmesglen poses a risk.

4.4 Personal information which is collected and/or disclosed about an individual will be managed in accordance with the Privacy and Data Protection Act 2014 and the Child Wellbeing and Safety Act 2005.

4.5 Risks associated with child safety and wellbeing are included in the operational risk register and mitigation strategies are monitored by the Community Safety Advisory Committee in accordance with the Risk Management Rule and Enterprise Risk Management Plan.

## 5. ACCOUNTABILITIES

Action	Accountability
<ul style="list-style-type: none"> <li>▪ Ensure reports of child abuse and/or grooming are investigated and reported.</li> <li>▪ Ensure that all directors, employees, contractors and volunteers are aware of relevant laws, organisational policies and procedures, and their related obligations.</li> <li>▪ Ensure that all directors, employees, contractors and volunteers are aware of Holmesglen’s Child Safe Code of Conduct.</li> <li>▪ Ensure support is provided for directors, employees, contractors and volunteers in undertaking their child safety and wellbeing responsibilities.</li> <li>▪ Report all incidents, including reporting to the Board.</li> </ul>	Chief Executive
<ul style="list-style-type: none"> <li>▪ Investigate and respond to reports of child abuse and/or grooming.</li> <li>▪ Provide support services to directors, employees, contractors and volunteers.</li> <li>▪ Report to external bodies as required and brief the Chief Executive.</li> </ul>	Child Safety Officer (Manager Student Wellbeing) Associate Director Human Resources

Action	Accountability
<ul style="list-style-type: none"> <li>▪ Promote child safety and wellbeing at all times.</li> <li>▪ Be familiar with the types of abuse that might occur within their area of responsibility, assess the risk of child abuse and implement risk mitigation strategies.</li> <li>▪ Facilitate reporting of inappropriate behaviour or reasonable belief of abusive activities.</li> <li>▪ Ensure employees contractors and volunteers working directly with children have a current Working With Children Check and National Police Record Check or VIT registration where applicable.</li> <li>▪ Remove or reduce the risk of sexual abuse to a child under the care authority or supervision of Holmesglen when it is noticed that an adult associated with Holmesglen poses a risk.</li> <li>▪ Ensure a culturally safe environment is established for Aboriginal children and young people</li> <li>▪ Ensure families and communities are informed and involved in promoting child safety and wellbeing</li> <li>▪ Inform children, young people and learners of their rights and the processes to raise complaints.</li> </ul> <p><b>Note:</b> If an adult in a position of authority fails to take reasonable steps in these circumstances, this may amount to the criminal offence 'Failure to Protect'.</p>	<p>Executive Directors Associate Directors Deans Heads of Departments Managers Principal</p>
<ol style="list-style-type: none"> <li>1. Report to DHHS as soon as practicable if a belief is formed on reasonable grounds that: <ul style="list-style-type: none"> <li>▪ the child has suffered or is likely to suffer significant harm as a result of physical injury and/or sexual abuse and the child's parents have not protected, or are unlikely to protect the child from harm of that type, and</li> <li>▪ the reasonable belief is formed in the process of practicing their profession or carrying out the duties of their office, position of employment.</li> </ul> </li> <li>2. Mandatory reporters must make a report on each occasion that they form a belief.</li> <li>3. Report any reasonable belief that a child's safety may be at risk to their supervisor or, if their supervisor is involved, to the Child Safety Officer and/or the Associate Director Human Resources to support and assist the individual in making the report.</li> <li>4. Report even if the Principal, Child Safety Officer, Chief Executive or other authority does not share their belief.</li> <li>5. Ensure a report has been made in circumstances where another Mandatory Reporter or other person has undertaken to make a report.</li> </ol> <p><b>Note:</b> It is a criminal offence to fail to report in these circumstances.</p>	<p>Mandatory Reporters</p>
<ul style="list-style-type: none"> <li>▪ Familiarise themselves with relevant laws, Holmesglen's Child Safe Code of Conduct, Holmesglen's policy and procedures in relation to child protection, and comply with all requirements.</li> <li>▪ Report any reasonable belief that a child's safety is at immediate risk to the relevant authorities and to their supervisor or, if their supervisor is involved, to the Child Safety Officer and/or the</li> </ul>	<p>Directors, employees, contractors and volunteers</p>

Action	Accountability
<p>Associate Director Human Resources to support and assist the individual in making the report.</p> <ul style="list-style-type: none"> <li>Report any reasonable belief that a child's safety may be at risk to their supervisor or, if their supervisor is involved, to the Child Safety Officer and/or the Associate Director Human Resources to support and assist the individual in making the report.</li> <li>Provide an environment that is supportive of all children's emotional and physical safety.</li> <li>Report to Victoria Police if you have formed a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16.</li> </ul> <p><b>Note:</b> Failure to disclose this may amount to a criminal offence.</p>	
<ul style="list-style-type: none"> <li>Implement appropriate recruitment processes and management practices that support child safe standards.</li> <li>Provide training to all directors, employees, contractors and volunteers in relation to child safe principles and practices.</li> <li>Educate employees about the prevention and detection of child abuse.</li> </ul>	Associate Director Human Resources

## 6. DEFINITIONS

Term	Meaning
Aboriginal Child	A person under the age of 18 who: <ul style="list-style-type: none"> <li>is of Aboriginal or Torres Strait Islander descent</li> <li>identifies as Aboriginal or Torres Strait Islander, and</li> <li>is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.</li> </ul>
Child	A person who is under the age of 18 years.
Child abuse	All forms of physical abuse, emotional ill-treatment, sexual abuse (including sexual assault, indecent acts, possession of child abuse material, grooming) and exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child.
Child protection	Any responsibility, measure or activity undertaken to safeguard children from harm.
Child Safe Organisation	Is one that meets the Child Safe Standards by proactively taking measures to protect children from abuse.
Child Safety	Encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.
Child Safe Standards	Compulsory minimum standards for organisations that provide services for children and young people (or are used by children and young people), to help protect them from harm.

Term	Meaning
Children from culturally and/or linguistically diverse backgrounds (CALD)	A child or young person who identifies as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of their parents' identification on a similar basis.
Contractor	<p>A person or firm that undertakes a contract to perform a service to Holmesglen Institute.</p> <p>For the purpose of this procedure this will apply to all persons contracted for services through frontline service providers including the:</p> <ul style="list-style-type: none"> <li>▪ Cafeterias,</li> <li>▪ Security Services,</li> <li>▪ Cleaning Services,</li> <li>▪ Sole traders who work directly with learners as defined by the Manager, and/or</li> <li>▪ Persons as defined by the Executive Director Corporate and Commercial Services, or the Associate Director Human Resources.</li> </ul>
Cultural abuse	Actions and attitudes that deliberately ignore, denigrate or attack the culture of a person or community.
Cultural safety for Aboriginal children	<p>The positive recognition and celebration of cultures and represents more than just the absence of racism or discrimination, and more than cultural awareness and cultural sensitivity.</p> <p>A culturally safe environment does not ignore, challenge or deny cultural identity. Cultural safety upholds the rights of Aboriginal children to:</p> <ul style="list-style-type: none"> <li>▪ identify as Aboriginal without fear of retribution or questioning</li> <li>▪ have an education that strengthens their culture and identity</li> <li>▪ maintain connections to their land and country</li> <li>▪ maintain their strong kinship ties and social obligations</li> <li>▪ be taught their cultural heritage by their Elders</li> <li>▪ receive information in a culturally sensitive, relevant and accessible manner</li> <li>▪ be involved in services that are culturally respectful.</li> </ul>
Cultural safety for children from culturally and/or linguistically diverse backgrounds	An environment which is spiritually, socially and emotionally safe, as well as physically safe for children; where there is no assault, challenge or denial of their cultural or linguistic identity, of who they are and what they need. Efforts need to be made to ensure the culturally and/or linguistically diverse children and their families receive information in a culturally sensitive, relevant and accessible manner, including in relevant community languages.
Children with a disability	A disability can be any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child's ability to undertake everyday activities. A disability can occur at any time in life. Children can be born with a disability or acquire a disability suddenly through an injury or illness. Some disabilities may be obvious while others are hidden.
Director	A member of the Board of Holmesglen and its controlled entities.

Term	Meaning
Employee	Includes agency employees engaged for work in accordance with the Recruitment and Appointment Procedure.
Environment	Any physical or virtual place made available or authorised to act for or on behalf of Holmesglen for use by a child during or outside study hours including a campus; online environments; other locations including but not limited to camps, excursions, sporting events, competitions and events.
Failure to disclose	<p>The legal obligation for all adults, not just professionals who work with children, to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16. Failure to disclose may amount to a criminal offence unless you have a 'reasonable excuse' or an 'exemption' from doing so.</p> <p><b>Note:</b></p> <p>You have an excuse for not reporting to police if:</p> <ul style="list-style-type: none"> <li>▪ you reasonably fear for your safety or the safety of another person, except the person you believe committed, or was involved in, the sexual offence, and</li> <li>▪ your failure to report is a reasonable response in the circumstances</li> <li>▪ you believe on reasonable grounds that another person has already disclosed the information to the police, and</li> <li>▪ you have nothing further to add.</li> </ul> <p>You do not have a reasonable excuse for failing to disclose if you are only concerned about the perceived interests of:</p> <ul style="list-style-type: none"> <li>▪ the person you believe committed, or was involved in the sexual offence, or</li> <li>▪ any organisation.</li> </ul> <p>You may be exempt from the offence if:</p> <ul style="list-style-type: none"> <li>▪ a victim aged 16 or over has provided the information and requests confidentiality</li> <li>▪ you were a child when you received the information</li> <li>▪ the information would be privileged</li> <li>▪ the information is a confidential communication</li> <li>▪ the information is in the public domain</li> <li>▪ you are a police officer acting in the course of your duty.</li> </ul> <p>Exemptions are important because they can:</p> <ul style="list-style-type: none"> <li>▪ help to protect victims of family violence from the risk of further harm</li> <li>▪ enable victims of sexual abuse to seek help and treatment, even if they do not want to report that abuse</li> <li>▪ enable professionals to help and treat victims of sexual abuse.</li> </ul>
Failure to Protect	The legal obligation for an employee in a position of authority, who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under their care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This may include, for example removing the adult from child-related work pending investigation. If an employee in a position of

Term	Meaning
	authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.
Grooming	Actions deliberately undertaken to befriend and influence a child (and in some circumstances, members of the child's family) with the intention of achieving a criminal objective of sexual activity with a child. Grooming is a criminal offence under the Crimes Act 1958 when predatory conduct is undertaken by an adult to prepare a child, under the age of 16, to engage in a sexual activity at a later time.
Manager	The person who is responsible for the operations of a faculty, department, centre, unit or another functional area within Holmesglen.
Mandatory reporting	The legal requirement for certain professional groups to report a reasonable belief of child physical or sexual abuse including neglect and grooming to child protection authorities.
Mandatory Reporters	<p>Mandatory reporters in Victoria are:</p> <ul style="list-style-type: none"> <li>▪ registered teachers and early childhood teachers (a person registered as a teacher under the Education, Training and Reform Act 2006 or teachers granted permission to teach under that Act)</li> <li>▪ school principals</li> <li>▪ school counsellors</li> <li>▪ police officers</li> <li>▪ nurses</li> <li>▪ midwives</li> <li>▪ out of home care workers</li> <li>▪ youth justice workers</li> <li>▪ registered psychologists</li> <li>▪ people in religious ministry</li> <li>▪ registered medical practitioners.</li> </ul>
Reasonable grounds for belief	<p>A belief based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed.</p> <p>Examples of reasonable grounds include:</p> <ul style="list-style-type: none"> <li>▪ a child states they have been abused</li> <li>▪ a child states they know someone who has been abused</li> <li>▪ someone who knows the child states they have been abused, is being abused or is at risk of being abused</li> <li>▪ a child's behaviour, actions or injuries lead to the suspicion that abuse is occurring</li> <li>▪ becoming aware of persistent family violence, parental substance misuse, psychiatric illness or disability that is impacting the child's safety, stability or development</li> <li>▪ observing signs or indicators of abuse including non-accidental unexplained injury, persistent neglect, poor care or lack of appropriate supervision</li> <li>▪ becoming aware of possible harm from your involvement with the community external to Holmesglen.</li> </ul>
Reportable conduct	Allegations against employees, contractors and volunteers of child abuse and neglect. The five types of reportable conduct are:

Term	Meaning
	(i) sexual offences (against, with or in the presence of, a child) (ii) sexual misconduct (against, with or in the presence of, a child) (iii) physical violence (against, with or in the presence of, a child) (iv) any behaviour that causes significant emotional or psychological harm to a child (v) significant neglect of a child. Allegations are reported to the Commission for Children and Young People.
Reportable Conduct Scheme	The scheme established by the Child Well Being and Safety Act 2005 to improve the way organisations identify and respond to allegations of child abuse and neglect by their workers and volunteers. The Commission for Children and Young People is responsible for administering the scheme.
Volunteer	An unpaid engagement.

## 7. CONTEXT AND/OR REFERENCED DOCUMENTS

### Internal

Child Safety and Wellbeing Rule  
 Conduct Rule  
 Risk Management Plan  
 Risk Management Rule  
 Workplace Behaviour and Employee Complaints Policy  
 Working with Children and Police Checks Procedure

### External

[Charter of Human Rights and Responsibilities Act 2006](#)  
[Child Wellbeing and Safety Act 2005 \(Vic\)](#)  
[Child Wellbeing and Safety \(Child Safe Standards Compliance and Enforcement\) Amendment Act 2021\(Vic\)](#)  
[Children Legislation Amendment \(Reportable Conduct\) Act 2016](#)  
[Children Youth and Families Act 2005 \(Vic\)](#)  
[Code of Conduct for Victorian Public Sector Employees 2015](#)  
[Crimes Act 1958 \(Vic\)](#)  
[National Principles for Child Safe Organisations](#)  
[Privacy and Data Protection Act 2014](#)  
[Worker Screening Act 2020](#)

## 8. REVIEW

This policy must be reviewed no later than three years from the date of approval.

The policy will remain in force until such time as it has been reviewed and re-approved or rescinded. The policy may be withdrawn or amended as part of continuous improvement prior to the scheduled review date.

## 9. VERSION HISTORY

Version Number	Date	Summary of changes
1	June 2020	New Policy to supplement the updated Board Rule.
2	September 2020	Updates to reflect mandatory reporting requirements and the identification and mitigation of associated risks.
3	April 2022	Revision to reflect changes in legislation and requirement for all directors, employees, contractors and volunteers to have Working With Children Checks.
4	November 2022	Updated to reflect the new Victorian Child Safe Standards as provided in the Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021 (Vic).

## APPENDIX 1 – CHILD SAFETY CODE OF CONDUCT

### PROFESSIONAL RELATIONSHIPS BETWEEN EMPLOYEES AND CHILDREN, YOUNG PEOPLE AND LEARNERS.

1. Holmesglen expects appropriate standards of behaviour towards, and in the company of children, young people and learners including conduct online. All employees, contractors and volunteers must:
  - (i) understand, observe, and promote the Child Safety and Wellbeing Policy and the Child Wellbeing and Safety (Child Safe standards Compliance and Enforcement) Amendment Act 2021
  - (ii) behave in ways that promote the safety, welfare and wellbeing of children, young people and learners at all times
  - (iii) actively seek to prevent harm to children and, to support those who have been harmed. If an allegation of child abuse is made, ensure as soon as possible that the children are safe and appropriate action is taken
  - (iv) inform children, young people of their rights and how to raise safety concerns
  - (v) encourage children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them
  - (vi) listen and appropriately respond to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another
  - (vii) communicate effectively with families and communities regarding decisions and development of child safety and wellbeing decisions, policies and procedures
  - (viii) be open and transparent and keep other adults informed of Holmesglen activities that are done with children
  - (ix) ensure as far as practicable that adults are not left alone with a child
  - (x) value, recognise and respect the experience and identity of children from Aboriginal and Torres Strait Islander heritage
  - (xi) Support children, young people and learners from different backgrounds, characteristics or beliefs including culturally and/or linguistically diverse backgrounds and LGBTIQ+.
  - (xii) recognise the needs of children with a disability and identify appropriate ways to support them.
  - (xiii) report any child safety concerns to Holmesglen's Child Safety Officer (Manager Student Wellbeing) and/or the Associate Director Human Resources to support and assist the individual in making the report
  - (xiv) report any allegations of child abuse to Holmesglen's Child Safety Officer (Manager, Student Wellbeing)/ leadership, and/or Associate Director Human Resources, to support and assist the individual in making the report and where appropriate directly to Victoria Police or Child Protection Services
  - (xv) respect the privacy of adults, children and young people and only disclose information to people who have a need to know.
2. Unacceptable behaviours include but are not limited to:
  - (i) discriminating against any learner because of culture, race, ethnicity, disability, gender or sexual orientation, including LGBTIQ
  - (ii) ignoring or disregarding any concerns, suspicions or disclosures of child abuse or harm
  - (iii) putting children at risk of abuse, for example, lack of risk mitigation strategies for activities involving children or inadequate supervision
  - (iv) initiating unnecessary physical contact with children
  - (v) doing things for a child that they can do for themselves such as toileting or changing clothes
  - (vi) imposing physical punishment on a learner, child or young person in the course of professional duties
  - (vii) developing a 'special' relationship with any learner, child or young person that could be perceived as grooming or misinterpreted as having a personal rather than a professional interest in a learner
  - (viii) having a sexual relationship with a learner that you are responsible for teaching, tutoring, advising, assessing, or for whom you provide pastoral or welfare support. It is irrelevant what type of sexual relationship it is, consensual or non-consensual or condoned by parents or caregivers
  - (ix) engaging in inappropriate conversations of a sexual nature with a child, young person or learner, for example, making sexually suggestive comments or sharing sexually suggestive material

- (x) exchanging personal contact details, for example, phone numbers, social networking sites or email addresses with children, young people, learners or their families unless required by specific work related circumstances
- (xi) engaging in inappropriate personal communication with children, young people, learners or their families online or by phone.