



Beneficiary and Child Safety Policy

Policy Number:	ML 1.24	Date:	23 rd October 2018
		Approved by:	Chief Executive Officer
Version:	1/2018	Scheduled review date:	1 st November 2019

1. Statement of Context and Purpose

- 1.1 Melbourne Legacy (ML) is committed to promoting and protecting at all times the best interests of the beneficiaries involved in its programs.
 - 1.2 Melbourne Legacy (ML) has a zero-tolerance policy for child or beneficiary abuse and is committed to promoting child and beneficiary safety, wellbeing and protecting children and beneficiaries from abuse.
 - 1.3 This policy sets out the key elements of ML's approach to child and beneficiary safety in accordance with Child Safe Standards. It also outlines:
 - (a) The overarching principles and values that guide ML in its approach to child and beneficiary safety;
 - (b) The procedures for reporting and responding to allegations of child or beneficiary abuse; and
 - (c) Refer to the Workplace Behaviour Policy which in turn provides the standards of expected and appropriate behaviour.
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2. Scope

- 2.1 This policy applies to all employees, volunteers, contractors and other authorised personnel required to perform functions on behalf of Melbourne Legacy or on its premises.
 - 2.2 This policy also extends to any person who is engaged in child-related work that has direct contact with children under the age of 18 years of age (whether supervised or not).
 - 2.3 This policy is not intended to override or form part of the terms of any award, enterprise agreement or contract that applies to an employee, but should be considered a reasonable direction to staff. As such all employees, volunteers, contractors and other authorised personnel are expected to abide by this policy and report any suspected or known breaches of this policy.
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3. Related Documents

- 3.1 External Documents
 - (a) Fair Work Act 2009 (Cth)
 - (b) Children, Youth and Families Act 2005 (Vic)
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- (c) Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)
- (d) Children’s Services Act 1996 (Vic)
- (e) Children’s Services Regulations 2009 (Vic)
- (f) Crimes Act 1958 (Vic)
- (g) Charter of Human Rights and Responsibilities Act 2006 (Vic)
- (h) Privacy Act 1998 (Cth)
- (i) Informational Privacy Act 2000 (Vic)
- (j) Health Records Act 2001 (Vic)
- (k) Child Safe Standards, Victorian Government (DHS) 2015
- (l) Work Experience Guidelines for Employers, Victorian Department of Education and Early Childhood Development (DEECD) 2014
- (m) ‘National Framework for Protecting Australian’s Children’
- (n) ‘Protecting the Safety and Wellbeing of Children and Young People’
- (o) DHS Child Safe Standards Toolkit: Resource 2: Child Safe Policy and Statement of Commitment
- (p) DHS Child Safe Standards Toolkit: Resource 6: What to do when an allegation of child abuse is made
- (q) Incident Report Form

3.2 Internal Documents

Policies and Procedures:

- (a) Workplace Behaviours Policy
- (b) Mandatory Reporting Policy
- (c) Reportable Conduct Policy
- (d) Managing Unsatisfactory Performance Policy

4. Definitions

4.1 **Abuse** means and consist of one or more of (but is not restricted to) the following:

- (a) Elder Abuse: a single or repeated act, occurring in any relationship where there is an expectation of trust, which causes harm or distress to an older person;
- (b) Physical Abuse: including but not limited to any physical injury resulting from practices such as hitting, punching, kicking (marks from belt buckles, fingers), shaking, burning (irons, cigarettes), biting, pulling out hair, alcohol and/or other drug administration;
- (c) Sexual Abuse: any assault or abuse of a sexual nature, sexual molestation, indecent exposure, sexual harassment or intimidation (including child grooming);
- (d) Emotional Abuse: the chronic attitude or behaviour of one person which is direct at another person, or, the creation of an emotional environment which erodes a person’s self-esteem and social confidence over time. Behaviours may include insulting, bullying, devaluing, ignoring, rejecting, corrupting, isolating, terrorizing, or other extreme acts in the aged or vulnerable person’s presence;
- (e) Financial Abuse: including but not limited to misappropriation of money, valuables or assets, forging signatures on cheques or other negotiable instruments, denial of access to personal assets, accessing a person’s funds electronically, forced or unauthorised changes to legal documents or where a person takes advantage of an older person who has already lost (or is losing) capacity, by coercing or arranging for the older person to sign an Enduring Powers of Attorney (EPA) or other Powers of Attorney in circumstances where the older person is unable to understand the nature and effect of the document;

- (f) Neglect: which is characterised by the failure to provide for basic needs. It is any serious omission or commission which jeopardises or impairs a person's health or wellbeing.
- 4.2 **Child** means a person who is under the age of 18 years who is a beneficiary or involved or in receipt of support or services provided by Melbourne Legacy.
- 4.3 **Child abuse** encompasses a broad range of matters set out in Part 6 of this policy:
- 4.4 **Child-connected work** means work authorised by ML and performed by an adult in the ML environment while children are present or reasonably expected to be present. This contact may form:
- (a) Face to face contact;
 - (b) Contact by post or other written communication;
 - (c) Contact by telephone or other oral communication; or
 - (d) Contact by email or other electronic communication.
- 4.5 **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.
- 4.6 **Legacy** means Legacy Australia Inc. and the 50 Legacy Clubs (49 in Australia and one in London).
- 4.7 **Legacy Representatives** are employees, Legatees, contractors, or volunteers engaged to officially represent Legacy in the delivery of Legacy services and/or benefits.
- 4.8 **Legacy Beneficiaries** are those enrolled with Legacy and who are entitled to receive Legacy benefits.
- 4.9 **Sexual abuse** is when any person uses their authority or power over -another person to engage in sexual activity. Examples include sexual penetration, inappropriate touching, and exposure to sexual acts or pornographic materials.
- 4.10 **Sexual misconduct** includes behaviour, physical contact or speech or other communication of a sexual nature, inappropriate touching, grooming behaviour and voyeurism.
- 4.11 **Sexual offence** means a sexual offence referred to in the *Sentencing Act 1991 (Vic)*, which includes but is not limited to rape, attempted rape, sexual assault, incest, grooming, and distribution and possession of child abuse material.
- 4.12 **Significant** means, in relation to emotional or psychological harm or neglect, that the harm or neglect is more than trivial or insignificant but need not be as high as serious and need not have a lasting permanent effect.
- 4.13 **Physical Abuse** consists of any non-accidental form of injury or serious physical harm inflicted on a child or young person by any person. Physical abuse does not mean reasonable discipline, though it may result from excessive or inappropriate discipline. Physical abuse can include beating, shaking, burning and assault with implements.
- 4.14 **Reportable Conduct** means:
- (a) a sexual offence committed against, with, or in the presence of a child, whether or not a criminal proceeding has commenced or concluded in relation to the offence; or
 - (b) sexual misconduct committed against, with, or in the presence of a child; or

- (c) physical violence committed against, with, or in the presence of a child; or
 - (d) any behaviour that causes significant emotional or psychological harm to a child; or
 - (e) Significant neglect of a child.
- 4.15 Vulnerable Person means any individual who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.
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5. Responsibilities

- 5.1 Melbourne Legacy's approach to child and beneficiary safety is guided by a number of overarching principles, values and legislation (which are set out in this policy).
- 5.2 All persons to whom this policy applies are responsible for complying with Melbourne Legacy's child safety policies and related policies (including the Workplace Behaviour Policy, Mandatory Reporting Policy and the Reportable Conduct Policy).
- 5.3 The Board of Melbourne Legacy has ultimate responsibility for the detection and prevention of abuse and is responsible for ensuring that appropriate and affective internal control systems are in place.
- 5.4 The Chief Executive Officer (CEO) is responsible for:
- (a) The immediate reporting of suspected or substantiated abuse to the relevant authorities for investigation;
 - (b) Ensuring that all parties are aware of relevant laws, organisational policies and procedures and the organisation's Workplace Behaviour Policy;
 - (c) Ensuring that all members of the ML and the greater Legacy community are aware of their obligation to report suspected abuse in accordance with these policies, procedures and legislation;
 - (d) Ensuring that all parties are aware of their obligation to observe the Workplace Behaviour Policy (particularly as it relates to the safety of beneficiaries and children); and
 - (e) Ensuring that the Community Services Manager by virtue of title and position is the delegated authority working on behalf of the CEO for all advice to the President of ML.
- 5.5 All Managers must ensure that they:
- (a) Assess the risk of abuse within their areas of control and eradicate/minimise any risk as is reasonably practicable;
 - (b) Educate parties about the prevention and detection of abuse;
 - (c) Facilitate the reporting of any inappropriate behaviour or suspected abusive activities;
 - (d) Are familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct; and
 - (e) Promote the safety of ML and Legacy beneficiaries at all times.
- 5.6 All employees, volunteers, contractors and other authorised personnel share in the responsibility for the prevention and detection of abuse and must:
- (a) Familiarise themselves with the relevant laws, the Workplace Behaviour Policy and relevant beneficiary and child protection policies and procedures;
 - (b) Comply with all requirements as relevant to the beneficiary and child protection policies and procedures;

- (c) Report any reasonable belief that a beneficiary's safety is at risk to the relevant authorities (such as police or state-based protection services) and fulfil their obligations as mandatory reporters;
 - (d) Report any reasonable belief that a beneficiary's safety is at risk of abuse to their supervisor and the Community Services Manager; and
 - (e) Provide an environment that is supportive of the emotional and physical safety of all beneficiaries.
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6. What is Child Abuse?

- 6.1 The definition of **Child Abuse** is as set out in the Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic) as meaning:
- (a) Any act committed against a child involving:
 - i. A sexual offence; or
 - ii. An offence under section 49B(2) of the *Crimes Act 1958*, that is, the offence of "grooming" which prohibits communicating (including electronically) by words or conduct with a child with the intention of facilitating the child's engagement or involvement in a sexual offence with you or another unit;
 - (b) The infliction on a child of:
 - i. Physical violence; or
 - ii. Serious emotional or psychological harm and
 - (c) Serious neglect of a child.
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7. Physical Violence and Abuse

- 7.1 Physical violence occurs when a person suffers or is likely to suffer significant harm, from a non-accidental injury or injuries inflicted by another person.
- 7.2 Physical violence can be inflicted in many ways, including beating, shaking, burning or use of weapons.
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8. Sexual Offences and Abuse

- 8.1 Child sexual offences occur when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to his/her age and development.
- 8.2 Child sexual abuse can involve a range of sexual activity including fondling, masturbation, penetration, voyeurism and exhibitionism. It can also include exposure to or exploitation through pornography or prostitution, as well as grooming behaviour.
- 8.3 Sexual offences occur when a person involves another person in sexual activity without consent or in a manner which is exploitative or inappropriate.
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9. Serious Emotional or Psychological Abuse

- 9.1 Serious emotional or psychological abuse occurs when harm is inflicted on a person through repeated rejection, isolation or by threats or violence.
 - 9.2 It can include derogatory name-calling and put downs, or persistent and deliberate coldness from a person, to the extent where the behaviour of the affected person is disturbed or, in the case of a child, their emotional development is at serious risk of being impaired.
 - 9.3 Serious emotional or psychological abuse could also result from conduct that exploits a child or person without necessarily being criminal, such as encouraging a child to engage in inappropriate or risk behaviours.
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10. Serious Neglect

- 10.1 Serious neglect of a child is the continued failure to provide the basic necessities of life such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or is likely to be, jeopardised.
 - 10.2 Serious neglect of a child can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life-threatening situations.
 - 10.3 Serious neglect of a beneficiary by a carer or designated healthcare professional is the failure to ensure that the basic necessities of life such as food, clothing, shelter, hygiene or medical attention to the extent that the elder's health or safety is likely to be jeopardised.
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11. Zero Tolerance for Child and Beneficiary Abuse

- 11.1 Melbourne Legacy has zero tolerance for child and beneficiary abuse and will not tolerate any form of abuse, including by anyone who is working within the ML environment or in child or beneficiary-connected work.
 - 11.2 Melbourne Legacy has legal and moral obligations to contact authorities when child safety concerns are raised and will comply with these obligations.
 - 11.3 Melbourne Legacy has legal and moral obligations to appropriately deal with the raising of beneficiary safety concerns and will comply with these obligations.
 - 11.4 All instances of suspected abuse, allegations of abuse or safety concerns must be reported to the Chief Executive Officer, the Community Services Manager and, in the case of allegations/concerns relating to a child, the delegated Child Safety Officer. All instances reported will be treated very seriously and consistently in line with Melbourne Legacy's reporting procedures.
 - 11.5 If an employee, contractor or other authorised personnel believes that a child or beneficiary is at immediate risk of abuse they should contact 000 immediately.
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12. Child and Beneficiary Safety Actions taken by Melbourne Legacy

- 12.1 Melbourne Legacy has taken, and/or proposes to take, the actions set out below in order to:
 - (a) Demonstrate its commitment to child and beneficiary safety and monitor ML's adherence to its beneficiary and child safety policy;

- (b) Support, encourage and enable ML employees and volunteers to understand, identify, discuss and report child and beneficiary safety matters; and
- (c) Support or assist beneficiaries and children to disclose abuse or those persons who are otherwise linked to suspected abuse.

12.2 Development, maintenance, implementation and publication of child and beneficiary safety policies, procedures and workplace behaviour standards:

12.2.1 This policy and procedure (along with the Workplace Behaviour Policy, Mandatory Reporting Procedure, the Reportable Conduct Policy and other ML policies and procedures) guides employees, volunteers, contractors and other authorised personnel in how to behave with beneficiaries and children.

12.2.2 All employees, volunteers, contractors and other authorised personnel must abide by ML's Workplace Behaviour Policy which specifies the standards of conduct required when working with beneficiaries and children.

12.2.3 We all have a responsibility to report an allegation of abuse if we have a reasonable belief that an incident took place. ML:

- (a) takes all allegations seriously and has a procedure in place to enable allegations to be investigated thoroughly and quickly.
- (b) trains employees and volunteers to deal appropriately with allegations of child abuse.

12.2.4 Recruitment and Selection

- (a) ML takes all reasonable steps to employ skilled people to work with beneficiaries and children and develops selection criteria and advertisements which clearly demonstrate our commitment to child and beneficiary safety and an awareness of our social and legislative responsibilities.

12.2.5 Training and Education

- (a) Training and education is important to ensure that everyone at ML (including the CEO, the Board, employees and volunteers) understands that child and beneficiary safety is everyone's responsibility.
- (b) ML's culture aims for all employees, volunteers, contractors and other authorised personnel to feel comfortable in discussing any allegations of child or beneficiary abuse or child or beneficiary safety concerns. Accordingly, ML trains its employees and authorised volunteers to identify, assess, and minimise risks of child and beneficiary abuse and to detect potential signs of child and beneficiary abuse.

12.2.6 Appointment of a Child Safety Officer

- (a) ML has appointed a Child Safety Officer as a first point of contact to provide advice and support to children, parents, employees and volunteers regarding the safety and wellbeing of children receiving support from ML.
- (b) The Child Safety Officer will receive appropriate training and support in relation to child safety, prevention of child abuse and responding to allegations of child abuse.

12.2.7 Provision of Counselling

- (a) ML has counselling services available, via its Employee Assistance Program, for employees, volunteers, contractors and other authorised personnel and their immediate families who respond to child or beneficiary abuse disclosures or are otherwise linked to suspected child or beneficiary abuse.
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13. Risk Management

13.1 ML has developed and implemented risk management strategies regarding child and beneficiary safety which will identify and mitigate the risk of child and beneficiary abuse in ML environments by taking into account:

- (a) the nature of the ML environment, for example:
 - i. risks posed by physical environments such as doors that can lock; and
 - ii. risks posted by online environments, such as preventing employees or volunteers from having contact with a child on social media;
- (b) the activities expected to be conducted in that environment (including the provision of services by contractors or outside organisations); and

13.2 the characteristics and needs of all children and beneficiaries expected to be present in that environment.

Where risks are identified of child or beneficiary abuse occurring in one or more ML environment, the Chief Executive Officer (CEO) and/or Board will:

- (a) make a record of those risks;
- (b) specify the actions ML takes to reduce or remove the risks (risk controls), which will take into account the nature of the risk and the diversity characteristics of the children or beneficiary/s affected by the risk.

13.3 The CEO and/or Board monitor and evaluate the effectiveness of the implementation of its risk controls.

13.4 The CEO and/or Board ensures (at least annually) that they and relevant employees undertake appropriate guidance and training about individual and collective obligations and responsibilities for managing the risk of child and beneficiary abuse; child and beneficiary abuse risks in the services' environment; and ML's current child and beneficiary safety standards.

13.5 The CEO and/or the Board:

- (a) has developed strategies to deliver appropriate education about standards of behaviour;
- (b) promotes child safety standards set out in Ministerial Order 870 in ways that are readily accessible, easy to understand, and user-friendly to children.

14. Selection and Screening

14.1 ML seeks to identify and recruit the safest and most suitable people who share their values and their commitment to the protection of vulnerable people.

- 14.2 ML and Legacy representatives involved in activities or programs with ML and Legacy beneficiaries are to be carefully selected and screened, including, but not limited to, formal interviews.
- 14.3 This applies to ML employees and volunteers organising such activities and those who have access to files containing personal data about ML and Legacy beneficiaries and/or other vulnerable people.
- 14.4 Before commencing ML or other Legacy work, the following checks will be undertaken for each applicant:
- (a) All representatives must provide details of relevant past experience, positions held, details of three referees and permission to contact them;
 - (b) Referees will be checked and spoken to, using an agreed set of questions which have been drafted by ML. The questions will seek to establish the applicant's suitability for the role or position and the conversation will be documented and retained on file;
 - (c) All representatives must undertake a formal interview which included an analysis of past experience working with children, the elderly or vulnerable people if relevant to their position;
 - (d) A National Criminal History Check must be carried out by ML. The check number and date will be retained on file. After this time, the representative will need to obtain a renewed check provided by ML. Criminal History Checks returned with adverse disclosed outcomes will not automatically preclude a potential ML or Legacy representative from undertaking ML work. The decision will be made by one of ML's Assessment Panels, dependent on the type of ML or other Legacy work involved.
 - (e) A Working with Children Check (WWCC) is an additional ML requirement for all employees, volunteers, contractors and other authorised personnel and must show that the individual is not precluded from working with children.
- 14.5 Where ML has identified that an applicant, volunteer, contractor or other authorised personnel has previously committed a violent or sexually related offence or an offence involving the theft or misappropriation of monies, they cannot, under any circumstances, be considered for employment or engagement in any capacity with ML and other Legacy Clubs or Groups.

15. Guidelines for a Safe Environment

- 15.1 Incidents of abuse are unlikely to take place in front of another person but the presence of a witness can assist in clarifying questionable allegations. For these reasons, ML employees, volunteers, contractors or other authorised personnel should as is reasonably practicable work in pairs, particularly when conducting a site visit or working in geographically isolated locations. When chaperoning children on excursions or camps, ML employees, volunteers, contractors or other authorised personnel should, as is reasonably practicable, increase support numbers to be applicable to the group size being chaperoned.
- 15.2 As far as is reasonably practicable, there must be no physical contact between beneficiaries, clients and ML employees, volunteers, contractors or other authorised personnel. Situations where physical conduct may be required include administering first aid or assisting with crossing a road.
- 15.3 It is not the responsibility of ML or an employee, volunteer, contractor or other authorised personnel to discipline a beneficiary or child. If a beneficiary or child does not abide by the rules set down by ML or becomes an obstruction to the care of other beneficiaries or children or other employees, volunteers, contractors or other authorised personnel, the

beneficiary or child will, when practicable, be removed and referred to their parent, guardian or carer. When it is not practicable to remove the beneficiary or child, the parent, guardian or carer will be contacted for direction on the most appropriate course of action. At all times, a minimum two ML employees, volunteers, contractors or other authorised personnel will receive the instruction from the parent, guardian or carer and be present when addressing the beneficiary or child. At no time will an ML employee, volunteer, contractor or other authorised personnel administer any form of physical, emotional, financial or mental discipline.

16. Responding to and Reporting Allegations of Suspected Child or Beneficiary Abuse

- 16.1 ML takes all allegations or disclosures of suspected child or beneficiary abuse seriously and will respond to and report (including to authorities and the police) allegations or disclosures of child or beneficiary abuse in accordance with its policies and any legal obligations.
 - 16.2 The procedure to report and respond to all allegations of suspected child or beneficiary abuse is outlined within Annexure A to this policy. All employees, volunteers, contractors and other authorised personnel are expected to take action in accordance with this policy if they have a reasonable belief that a child or beneficiary may be in harm or have been subjected to child abuse.
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17. Awareness of Potential Barriers in Reporting Allegations of Abuse

- 17.1 All persons need to be aware that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse.
 - 17.2 In implementing this policy and the minimum child safety standards, ML will take into account the diversity of all children and beneficiaries, including (but not limited to) the needs of Aboriginal and Torres Strait Islanders, culturally and linguistically diverse backgrounds, children and beneficiaries with disabilities and children and beneficiaries who are vulnerable. Appropriate support and assistance should be sought in these instances.
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18. Consequences of a Breach of this Policy

- 18.1 ML emphasises the need to comply with the requirements of this policy. Breaches of this policy and its procedures may result in suspension of access to ML's information resources.
 - 18.2 Any employee found to be in breach of the requirements of this policy may be subject to disciplinary action, up to and including termination of employment. Employees should refer to the Performance Management, Misconduct and Disciplinary Action Policy and Procedure.
 - 18.3 Similarly, a Legatee or volunteer found to be in breach of the requirements of this policy may be subject to disciplinary action in accordance with ML's Legatee Code of Conduct.
 - 18.4 Serious breaches of this policy which contravene legal and/or legislative requirements will be reported by the Chief Executive Officer to the appropriate regulatory and/or law enforcement body.
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19. Policy Review

19.1 ML may make changes to this Policy at any time and will inform Legatees, volunteers and staff accordingly.

20. Authorisation

Approved by Melbourne Legacy Chief Executive Officer:

Justin Elwin

Date: 23 / 10 / 2018

Ratified by:

Melbourne Legacy Board of Management

Date: 23 / 10 / 2018
