

CS Policy 16
Child Safeguarding
Controlled Document

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1. Purpose

To make an unequivocal statement of commitment to the safety, welfare and wellbeing of children and young people and to provide an environment which fosters children’s developmental needs, spirituality, self-respect and dignity.

To ensure that all CatholicCare personnel understand and fulfil their legal and ethical obligations.

To ensure personnel respond appropriately to disclosures of abuse and concerns of inappropriate behaviour toward children.

To ensure that all personnel employed in direct child related work are authorised to do so and have completed all relevant employment screening as required by legislation (see also WS 2. Employment Screening Policy).

To ensure that all CatholicCare personnel who directly engage with or provide services to children and young people act with the best interests of the child and/or young person as a primary consideration.

2. Key Accountability

- Executive Managers
- Manager – People & Culture
- Child Safeguarding Committee

3. Application

This policy applies to all CatholicCare personnel (including anyone engaged by CatholicCare to provide services to children) including:

- Employees
- Foster/Kinship carers
- Volunteers
- Students (e.g. work experience, professional placements)

- Contractors and sub-contractors
- Clergy and members of religious congregations with an agreement to provide services in CatholicCare programs
- Members of councils, committees and sub-committees

Where specified it also applies to adult household members living in the home of a foster/kinship carer.

If disciplinary action or an employment proceeding has commenced in relation to a child protection allegation (regardless of whether the matter is reportable or exempt from reporting to external bodies), this policy continues to apply to a person even after they have ceased their association or employment with CatholicCare.

4. Relevant Legislation

- Children and Young Persons (Care and Protection) Act 1998
- Children and Young Persons (Care and Protection) Regulation 2012
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Children's Guardian Act 2019
- Disability Inclusion Act 2014 (NSW)
- National Disability Insurance Scheme Act 2013
- NDIS (Quality & Safeguards Commission and Other Measures) Act 2018
- United Nations Convention on the Rights of the Child (Ratified in Australia 1990)

5. Accreditation Standards and Related Documents

- Council of Australian Governments – National Principles for Child Safe Organisations
 - Standard 5 – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice
- Office of the Children's Guardian – NSW Child Safe Standards for Permanent Care
 - Standard 3 - Child Protection and Child Safety
- Australian Children's Education & Care Quality Authority
 - Quality Area 2 – Children's Health & Safety
 - 2.2.3 Child Protection
- Department of Social Services - Families and Children Activity Administrative Approval Requirements
 - Standard 13 - Client Safety
- NDIS Quality and Safeguards Commission – NDIS Practice Standards
 - Core Module Section 1 – Rights & Responsibilities
 - Violence, Abuse, Neglect, Exploitation & Discrimination

6. Definitions

Child

- A person under the age of 18 years – *Children's Guardian Act 2019* and *Child Protection (Working with Children) Act 2012*
- A person under the age of 16 years - *Children and Young Persons (Care and Protection) Act 1998*

Non-Risk of Significant Harm (Non-RoSH)

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- Where there are child protection concerns that do not meet the threshold for "**significant**" harm (i.e. RoSH), they are described as Non-RoSH. It is important to note that staff still follow procedure to determine whether RoSH or Non-RoSH.
- Non-RoSH information is collected by CatholicCare as it may over time provide evidence of a pattern of behaviour that could constitute cumulative harm (detailed below) which would be considered RoSH.

Principal Officer

For the purposes of fulfilling CatholicCare's responsibilities under the *Children & Young Persons (Care and Protection) Act 1998* and the *Children & Young Persons (Care & Protection) Regulation 2012* the Executive Manager, Children & Youth Services, Michelle Ferrara, is the designated Principal Officer and also has overall responsibility for supervising CatholicCare's arrangements for providing Out of Home Care.

Reportable Conduct

See WS 4.3 Management of Reportable Conduct Allegations against Employees Policy.

Risk to the Safety of Children

A 'real and appreciable risk to the safety of children'

Risk of Significant Harm (RoSH)

- Where circumstances cause sufficiently serious concern about the safety, welfare or wellbeing of a child or young person to warrant a response by a statutory authority (i.e. NSW Department of Communities and Justice) regardless of a family's consent.
- Concerns that are not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or wellbeing
- Harm may relate to:
 - physical or psychological needs not being met
 - lack of necessary medical care
 - inadequate arrangements for education
 - actual or risk of physical or sexual abuse or ill-treatment
 - risk of physical or psychological harm including as a consequence of living in a household where there has been domestic violence
 - situations where a child is subject to a pre-natal report and the mother did not engage with support services to minimise the risk factors giving rise to the report
 - RoSH includes **cumulative harm** (i.e. a series of acts or omissions that, when viewed separately, may not indicate significant risk, but when viewed together suggest a pattern of significant harm).

For additional information, refer to *Sect 23 of Children and Young Persons (Care and Protection) Act 1998* and the NSW Online Mandatory Reporter Guide (MRG).

Young Person

- A person who is aged 16 years or above but who is under the age of 18 years - *Children and Young Persons (Care and Protection) Act 1998*.

7. Policy

CatholicCare is committed to the safety, welfare and well-being of children and young people and operates in accordance with all relevant legislation. It is recognised that the care and protection of children is a collective responsibility involving parents, schools and, when necessary, the support and action of government, community and educational services. CatholicCare works in cooperation with government authorities and other relevant agencies and with families in the care and protection of children and young people.

CatholicCare's services promote the development of strong and positive families. Personnel actively promote and develop child-safe and child-friendly practices where children are empowered, valued, listened to and wherever possible, participate in decision making. CatholicCare advocates with and on behalf of children and intervenes to protect them from all forms of abuse, violence, injury, neglect and exploitation.

The safety, welfare and wellbeing of children and young people is given the highest priority in every preventative and protective action taken.

CatholicCare, as an agency, and its personnel, individually, are committed to upholding the National Principles for Child Safe Organisations i.e.

- **Principle 1** - Child safety and wellbeing is embedded in organisational leadership governance and culture
- **Principle 2** - Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously
- **Principle 3** - Families and communities are informed and involved in promoting child safety and wellbeing
- **Principle 4** - Equity is upheld and diverse needs respected in policy and practice
- **Principle 5** - People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice
- **Principle 6** - Processes to respond to complaints and concerns are child focused
- **Principle 7** - Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training
- **Principle 8** – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed
- **Principle 9** – Implementation of the National Child Safe Principles is regularly reviewed and improved
- **Principle 10** – Policies and procedures document how the organisation is safe for children and young people.

Personnel co-operate with other stakeholders to co-ordinate decision making, service delivery and advocacy.

In responding to children at risk of harm and to allegations of reportable conduct involving personnel, CatholicCare at all times holds paramount both the safety and best interests of the child, as well as the right of personnel to a proper investigation. Procedures ensure privacy and fair handling and that support for those involved, any necessary discipline and preventative measures are put in place (see also WS 4.3 Management of Reportable Conduct Allegations against an Employee).

All personnel providing services to children are familiar with and understand the principles of the 'UN Convention on the Rights of the Child' which is a universally agreed set of non-negotiable standards and obligations. These basic standards — also called human rights — set minimum entitlements and freedoms that should be respected. They are founded on respect for the dignity and worth of each individual, regardless of race, colour, gender, language, religion, opinions, origins, wealth, birth status or ability and therefore apply to every human being, everywhere.

The four core principles of the UN Convention are:

- non-discrimination
- devotion to the best interests of the child
- the right to life, survival and development
- respect for the views of the child.

The Convention protects children's rights by setting standards in health care, education, and legal, civil and social services.

Particular attention is paid to:

- children and young people with disabilities
- those from culturally and linguistically diverse backgrounds
- those who identify as Aboriginal or Torres Strait Islanders