



## 22 CHILD SAFE POLICY AND CODE OF CONDUCT

### *Purpose/ Rationale*

This policy is intended to prevent child abuse occurring at SYN Media.

SYN is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse. Everyone working and volunteering at SYN is responsible for the care and protection of children and reporting information about child abuse.

### *Objectives*

The objectives of this policy are to:

- 1. To facilitate the prevention of child abuse occurring within SYN.**
2. To work towards an organisational culture of child safety.
3. To prevent child abuse within SYN.
4. To ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs.
5. To provide guidance to staff, volunteers and contractors as to action that should be taken where they suspect any abuse within or outside of the organisation.
6. To provide a clear statement to staff, volunteers and contractors forbidding any such abuse.
7. To provide assurance that any and all suspected abuse will be reported and fully investigated.

### *Definitions*

'Child' means a person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

'Child protection' means any responsibility, measure or activity undertaken to safeguard children from harm.

'Child abuse' means all forms of physical abuse, emotional ill-treatment, sexual abuse 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 sexual assault' is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

'Reasonable grounds for belief' is 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. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a reasonable person believes that:

- (a) The child is in need of protection,



- (b) The child has suffered or is likely to suffer “significant harm as a result of physical injury”,
- (c) The parents are unable or unwilling to protect the child.

A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof, but is more than mere rumour or speculation.

A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a ‘reasonable belief’ might be formed if:

- a) A child states that they have been physically or sexually abused;
- b) A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- c) Someone who knows a child states that the child has been physically or sexually abused;
- d) Professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or
- e) Signs of abuse lead to a belief that the child has been physically or sexually abused.

## 22.1 Policy statement

1. **SYN** is committed to promoting and protecting at all times the best interests of children involved in its activities.
2. All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from abuse.
3. SYN has zero tolerance for child abuse. Everyone working and volunteering at SYN is responsible for the care and protection of the children within our care and reporting information about suspected child abuse.
4. Child protection is a shared responsibility between SYN, all employees, workers, volunteers, contractors, associates, and members of the SYN community.
5. SYN will consider the opinions of children and use their opinions to develop child protection policies.
6. SYN supports and respects all children, staff and volunteers. SYN is committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.
7. If any person believes a child is in immediate risk of abuse, telephone 000.

### *Procedures*

## 22.2 Responsibilities

1. The **Board** of SYN has ultimate responsibility for the detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place. The Board is also responsible for ensuring that appropriate policies and procedures and a Child Protection Code of Conduct are in place.
2. The **General Manager** of SYN is responsible for:

Dealing with and investigating reports of child abuse;



Ensuring that all staff, contractors, and volunteers are aware of relevant laws, organisational policies and procedures, and the organisation’s Code of Conduct;

Ensuring that all adults within the SYN community are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures;

Ensuring that all staff, contractors and volunteers are aware of their obligation to observe the Code of Conduct (particularly as it relates to child safety);

Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.

3. All **managers** must ensure that they:

Promote child safety at all times;

Assess the risk of child abuse within their area of control and eradicate / minimise any risk to the extent possible;

Educate employees about the prevention and detection of child abuse; and

Facilitate the reporting of any inappropriate behaviour or suspected abusive activities.

4. Management should be familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct.

5. All **staff, volunteers and contractors** share in the responsibility for the prevention and detection of child abuse, and must:

Familiarise themselves with the relevant laws, the Code of Conduct, and SYN’s policy and procedures in relation to child protection, and comply with all requirements;

Report any reasonable belief that a child’s safety is at risk to the relevant authorities (such as the police on 000 and /or the Department of Human Services on 13 12 78) and fulfil their obligations as mandatory reporters;

Report any suspicion that a child’s safety may be at risk to their supervisor (or, if their supervisor is involved in the suspicion, to a responsible person in the organisation); and

Provide an environment that is supportive of all children’s emotional and physical safety.

### 22.3 Employment of New Personnel

6. SYN undertakes a comprehensive recruitment and screening process for all employees which aims to:

Promote and protect the safety of all children under the care of the organisation;

Identify the safest and most suitable people who share SYN’s values and commitment to protect children; and

Prevent a person from working at SYN if they pose a risk to children.

7. SYN requires all employees to pass through the organisation’s recruitment and screening processes prior to commencing their engagement with SYN.

### 22.4 Risk Management

8. SYN will ensure that child safety is a part of its overall risk management approach.



9. SYN will have a risk and compliance sub-committee of the Board committed to identifying and managing risks at SYN. Risk and compliance sub-committee members will receive regular training in relation to child safety.

## 22.5 Reporting

10. Any staff member, volunteer or contractor who has grounds to suspect abusive activity must immediately notify the appropriate child protection service (the Department of Human Services on 13 12 78) or the police on 000. They should also advise their supervisor about their concern.
11. In situations where the supervisor is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the next highest level of supervision.
12. Supervisors must report complaints of suspected abusive behaviour or misconduct to the General Manager and also to any external regulatory body such as the police.
13. Any employee, worker, contractor or volunteer of SYN who is 18 years or older must make a report to the police if they form a reasonable belief that a sexual offence has been committed against a person under 16 years.<sup>1</sup>
14. Individuals who make reports about suspected child abuse in good faith (with valid and reasonable concern), and acting without malice or retaliation towards the offender will not have acted:
  - Unethically;
  - Unprofessionally; or
  - Be seen as having breached professional ethics.

Nor will the reporter be liable for any disciplinary or legal action. This includes where a case is not proven.

## 22.6 Investigating

15. If the appropriate child protection service or the police decide to conduct an investigation of this report, all employees, contractors or volunteers must co-operate fully with the investigation.
16. Whether or not the authorities decide to conduct an investigation, the General Manager will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any proceeding of the authorities, the General Manager may decide to conduct such an investigation. All employees, contractors and volunteers must co-operate fully with the investigation.
17. Any such investigation will be conducted according to the rules of natural justice.
18. The General Manager will make every effort to keep any such investigation confidential; however, from time to time other members of staff may need to be consulted in conjunction with the investigation.
19. After an initial review and a determination that the suspected abuse warrants additional investigation, the General Manager shall coordinate the investigation with the appropriate

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<sup>1</sup> *Crimes Act 1958 (Vic)*



investigators and / or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

## 22.7 Responding

20. If it is alleged that a member of staff, contractor or a volunteer may have committed an offence or have breached the organisation's policies or its Code of Conduct the person concerned may be stood down (with pay, where applicable) while an investigation is conducted.
21. If the investigation concludes that on the balance of probabilities an offence (or a breach of the organisation's policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organisation. The findings of the investigation will also be reported to any external body as required.

## 22.8 Privacy

22. All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. SYN will have safeguards and practices in place to ensure any personal information is protected.
23. Everyone is entitled to know how the personal information is recorded, what will be done with it, and who will be able to access it.

## 22.9 Reviewing

24. Every two years, and following every reportable incident, a review shall be conducted to assess whether the organisation's child protection policies or procedures require modification to better protect the children under the organisation's care.

### *Mandatory Reporting*

1. SYN acknowledges that in some limited circumstances, a SYN paid staff member, volunteer or board member, may be legally required to report matters relating to children to the Secretary.
2. Mandatory Reporting may be required where:
  - (a) The paid staff member, volunteer or the Board of Management is considered a mandatory reporter. A person is a mandatory reporter if they are a person with a post-secondary qualification in youth, social or welfare work who works in the health, education or community or welfare services field; or a registered teacher under the Education and Training Reform Act 2006 or has been granted permission to teach under that Act; and
  - (b) A paid staff member, volunteer or the Board of Management (that person also being a mandatory reporter), in the course of carrying out the duties of his or her office, position or employment, forms a belief on reasonable grounds that a child is in need of protection.
3. A child is considered 'in need of protection' if:
  - (a) the child has been abandoned by his or her parents;
  - (b) the child's parents are dead or incapacitated and there is no other suitable person willing and able to care for the child;
  - (c) the child has suffered, or is likely to suffer significant harm of the following type and the child's parents have not protected, or are unlikely to protect, the child from this harm:
    - i. Physical injury
    - ii. Sexual abuse
    - iii. Emotional or Psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged



- (d) The child's physical development or health has been, or is likely to be, significantly harmed and his or her parents have not or are unlikely to provide for the appropriate remedial care.
- 4. If Mandatory Reporting is required, the paid staff member, volunteer or the Board of Management, is legally obliged to report the matter to the Secretary as soon as practicable after forming the belief.

## 22.10 Voluntary Reporting

- 5. SYN acknowledges that a SYN paid staff member, volunteer or board member, may report a matter relating to children despite the fact that the matter need not be reported pursuant to Mandatory Reporting obligations.
- 6. SYN acknowledges that any person may report to the Secretary of the Department of Human Services or any member of the police force where that person believes, on reasonable grounds, that a child is in need of protection.
- 7. SYN acknowledges that any person may report a matter relating to a child to the Secretary of the Department of Human Services where the person believes, on reasonable grounds, that a child at or above 10 years old and under 15 years of age has exhibited sexually abusive behaviours.
- 8. SYN acknowledges that any person may report a matter relating to a child to the Secretary of the Department of Human Services or a community-based child and family service where the person is concerned for the wellbeing of a child.

## 22.11 SYN Child Safety Code of Conduct

### **SYN's Code of Conduct for employees, volunteers and contractors when working with children or people under 18 years.**

Management, staff, volunteers and contractors at SYN Media are required to abide by this Code.

The General Manager and other management staff will:

- 1. Be responsible for the overall welfare and wellbeing of staff and volunteers;
- 2. Be accountable for managing and maintaining a duty of care towards staff and volunteers; and
- 3. Nominate a Child Protection Officer to provide information and support to all staff, volunteers, children, young people and their carers regarding child protection matters.

All people involved in the care of children on behalf of SYN Media will:

- 1. Work towards the achievement of the aims and purposes of the organisation;
- 2. Be responsible for relevant administration of programs and activities in their area;
- 3. Maintain a duty of care towards others involved in these programs and activities;
- 4. Establish and maintain a child-safe environment in the course of their work;
- 5. Be fair, considerate and honest with others;
- 6. Treat children and people under 18 with respect and value their ideas and opinions;
- 7. Act as positive role models in their conduct with children and people under 18;
- 8. Be professional in their actions;
- 9. Maintain strict impartiality;
- 10. Comply with specific organisational guidelines on physical contact with children;
- 11. Respect the privacy of children, their families and teachers/carers, and only disclose information to people who have a need to know;



12. Maintain a child-safe environment for children and people under 18;
13. Operate within the policies and guidelines of SYN Media; and
14. Contact the police if a child is at immediate risk of abuse (telephone 000).

No person shall:

1. Shame, humiliate, oppress, belittle or degrade children or people under 18;
2. Unlawfully discriminate against any child;
3. Engage in any activity with a child or person under 18 that is likely to physically or emotionally harm them;
4. Initiate unnecessary physical contact with a child or person under 18, or do things of a personal nature for them that they can do for themselves;
5. Be alone with a child or person under 18 unnecessarily and for more than a very short time;
6. Develop a 'special' relationship with a specific child or person under 18 for their own needs;
7. Show favouritism through the provision of gifts or inappropriate attention;
8. Arrange contact, including online contact, with children or person under 18 outside of the organisation's programs and activities;
9. Photograph or video a child or person under 18 without the consent of the child and his/her parents or guardians;
10. Work with children or person under 18 while under the influence of alcohol or illegal drugs;
11. Engage in open discussions of a mature or adult nature in the presence of children;
12. Use inappropriate language in the presence of children; or
13. Do anything in contravention of the organisation's policies, procedures or this Code of Conduct.

#### **What happens if you breach this Code of Conduct?**

1. If you breach this Code of Conduct you will face disciplinary action, including and up to termination of employment or cessation of engagement with the organisation.

Further information on Mandatory and Voluntary Reporting can be obtained from the following sources:

#### 22.12 Guides:

See 'A step-by-step guide to making a report to Child Protection or Child FIRST', Department of Human Services.

See 'Responding to Child Abuse', Department of Human Services.

#### 22.13 Organisations and Departments:

Department of Human Services. The department provides information as to what constitutes child abuse, how to identify it and how to report it: <http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection>

The Child Safety Commissioner. Information is provided by the Commissioner at [www.kids.vic.gov.au](http://www.kids.vic.gov.au).

#### 22.14 Legislation:

The *Children, Youth and Families Act 2005* (Vic). You can access this piece of legislation by searching for it at [www.austlii.edu.au](http://www.austlii.edu.au).



*The Child Wellbeing and Safety Act 2005 (Vic).* You can access this piece of legislation by searching for it at [www.austlii.edu.au](http://www.austlii.edu.au).

*Related policies include:*

Ethics Policy; Privacy Policy; Membership Policy; Staff Vacancies Policy; Board Code of Conduct Policy; Workers' Rights and Responsibilities; Volunteers' Rights and Responsibilities; Duty of Care Policy; Sexual Harassment Policy.