

December 2022

Child Safety and Wellbeing Policy

1. Purpose

The purpose of this policy is to:

- clearly demonstrate FYA's commitment to the safety and wellbeing of children;
- ensure that FYA complies with its legal and ethical child safeguarding obligations; and
- inform staff, volunteers and contractors of their roles and responsibilities in ensuring the safety and wellbeing of children.

2. Scope

This policy applies to all FYA staff, volunteers and contractors (where applicable). It applies at all times, both during and outside normal working hours and to all activities of FYA in which children are involved.

3. Definitions

Term	Definition
Child/Children	Any person/s under the age of eighteen years.
Young person/Young People	Any person between the ages of 18 and 25
Mature Minor	A young person under 18 with the capacity to make decisions and provide consent on their own behalf (i.e. without requiring parental / guardian's consent).
Child Abuse	The abuse of a child's rights to life, survival and development, and includes all forms of physical, emotional, spiritual and sexual abuse, as well as domestic or family violence, neglect, sexual exploitation or child labour.

Child Sexual Abuse	When a child is used by another child or adult for their own sexual stimulation or gratification, whether or not there is physical contact. Sexual Abuse includes all forms of sexual activity that involve children, including communication with children via digital technology or exposing children to pornographic images.
Child Sexual Exploitation	Where a child is sexually abused or exploited in return for cash or for kind.
Emotional Abuse	A persistent attack on a child's self-esteem, including name-calling, threatening, ridiculing, intimidating or isolating a child.
Grooming	Building the trust of a child or their carer to gain access to that child in order to sexually abuse them. Indicators involve but are not limited to developing special relationships with a child, inappropriate interactions, or testing or ignoring professional boundaries.

4. Policy Statement

FYA is committed to protecting children from harm, exploitation and abuse. FYA staff, volunteers and contractors must, at all times, treat all children with dignity and respect and must endeavor to actively promote and prioritise the right of every child to feel physically and emotionally safe.

This Child Safeguarding Policy is guided by the following principles:

Principle	Explanation
Best interests of the child	Every FYA program or activity is guided by the principle of serving the best interests of every child that is involved in or connected to an FYA program or activity.
Child participation	Children involved in FYA activities or programs are: <ul style="list-style-type: none"> • informed about their rights to safety and wellbeing; • participate in decisions that affect them; and • have their views taken seriously.
Zero tolerance of abuse	FYA will not tolerate any form of Child Abuse by any person involved in a program or activity of FYA or representing FYA in any way.

Risk management	FYA will ensure that the risks of Child Abuse are identified, monitored and reasonably managed in assessing and undertaking all FYA activities or programs.
Confidentiality, fairness and wellbeing	Any matter, allegation or concern raised under this policy or the Child Safeguarding Code of Conduct will be dealt with in a fair, confidential and timely manner to ensure the safety and wellbeing of all persons involved.

5. FYA's obligations

FYA has obligations to safeguard children and provide an environment that fosters child safety and wellbeing under National and State-based legislation, regulations, principles and guidelines.

National Principles for Child Safe Organisations (National Principles) have been developed by the National Children's Commissioner to provide a nationally consistent approach to creating organisational cultures that foster child safety and wellbeing. Australian organisations are not legally required to adopt the National Principles, however are considered best practice for fostering child safety and wellbeing culture and practice. The 10 National Principles are set out in the Appendix to this policy.

In 2020, the NSW government introduced the NSW Child Safe Standards under the Children's Guardian Act 2019 (NSW). Organisations that are subject to the NSW Child Safe Standards are required to implement these through their systems, policies and processes. FYA is not required at this time to comply with the NSW Child Safe Standards, however the NSW Office of the Children's Guardian indicates that all child-related organisations will benefit from implementing the Child Safe Standards. The NSW Child Safe Standards are set out in the Appendix to this policy.

5.1 Victorian Child Safe Standards

Victoria has compulsory minimum Child Safe Standards that FYA is required to comply with. Under the *Child Wellbeing and Safety Act 2005* (Vic) organisations that exercise care, supervision or authority over children, whether as part of its primary function or not are required to comply with the Victorian Child Safe Standards

From 1 July 2022, Victoria will introduce 11 new Child Safe Standards. These standards are:

- Standard 1: Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.

- Standard 2: Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- Standard 3: Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.
- Standard 4: Families and communities are informed, and involved in promoting child safety and wellbeing.
- Standard 5: Equity is upheld and diverse needs respected in policy and practice.
- Standard 6: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- Standard 7: Processes for complaints and concerns are child focused.
- Standard 8: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- Standard 9: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- Standard 10: Implementation of the Child Safe Standards is regularly reviewed and improved.
- Standard 11: Policies and procedures document how the organisation is safe for children and young people

6. Implementation

FYA upholds its commitment to safeguarding the welfare of every child involved in FYA's programs or activities and complies with its child safeguarding obligations through the following means.

6.1 Child Safeguarding Code of Conduct

Every FYA employee, volunteer, and contractor (where applicable) should familiarise themselves with and follow FYA's Child Safeguarding Code of Conduct.

This ensures that all persons are given clear guidance on minimizing risks to children and have an understanding of the behavior required of them when interacting with children.

6.2 Recruitment

FYA has implemented policies and procedures around the recruitment of staff and volunteers, which include guidance on ensuring child safeguarding is embedded in the advertising of vacant roles, pre-employment/pre-engagement screening, interviewing process and reference checks.

6.3 Mature Minors and Decision Making

Parents, guardians and carers play an invaluable role in supporting a child's learning and wellbeing through being actively informed and involved in decisions about a child's life. However, children under 18 may ask to make decisions on their own behalf without the involvement of their parents or carers. There are a range of reasons why this could be the case, including where a child is living independently, or has a history of family conflict or family violence.

The law recognises that as children become older and more mature, they are more capable of making their own decisions about a wide range of issues including decisions about their education, healthcare and wellbeing. The law recognises that a young person may reach this stage before they turn 18 years old, but there is no specific age when a young person may be sufficiently mature and capable of making their own decision. These young people are referred to as 'mature minors'.

Where a child under 18 asks to give consent or make a decision on their own behalf instead of their parent, guardian or carer, a FYA staff member can decide that the student is capable of making their own decision (i.e. that they are a mature minor for the purpose of making a particular decision).

To be considered a mature minor, a staff member must be satisfied that the child has sufficient maturity, understanding and intelligence to understand the nature and effect of their particular decision. A child can be considered capable of making some decisions but not others.

See [Mature Minor assessment checklist](#).

6.4 Risk management

FYA has a risk policy and framework through which it assesses any child safeguarding risks associated with FYA's activities or programs. The risk policy and framework are regularly reviewed by FYA's Executive Team and the FYA Audit and Risk Board Sub-committee. Child safeguarding is a standing agenda item at Board and Executive level and progress against the Safeguarding and Wellbeing Action Plan is reported against regularly.

These reviews ensure that all relevant child safeguarding risks are identified and necessary mitigating strategies to reduce these risks are implemented.

6.5 Training of employees, volunteers and contractors

All FYA employees (and where applicable volunteers and contractors) are required to participate in training on child safeguarding, including ensuring that they are familiar with and understand this policy and FYA's Child Safeguarding Code of Conduct.

6.6 Privacy and consent

FYA has a clear Privacy Policy that outlines how it collects stores and uses the personal information of both adults and children.

FYA actively considers how to engage families and communities to enhance the safeguarding and wellbeing of the young people engaged in our programs.

FYA has developed guidelines around obtaining informed consent from children and/or their parents or guardians prior to collecting, recording or publishing personal information, content or images of Children (and adults) involved in FYA's activities or programs.

6.7 In-person and online safety of Children

FYA employees and volunteers should avoid situations where they are alone with Children either in person or online.

6.7.1 In-person activities and events

For all FYA activities or events, and particularly where Children are participating an FYA Program and Event Risk Matrix must be completed

For all FYA in-person activities or events involving Children at least **two** adults should supervise participating Children at all times. Volunteers under the age of 18 should be supervised by an FYA employee or another appropriate adult.

Travel

Generally FYA will require Children to make their own way to an FYA activity or event (whether that be with their parent or guardian or otherwise).

On some occasions, FYA may provide transport for a Child for the purpose of them attending an FYA activity or program. When traveling on FYA arranged transport it is preferable that the Child is under the supervision of a teacher, parent, guardian or another responsible adult (particularly if the Child is under 15 years of age). If a teacher, parent, guardian or another responsible adult is not available to supervise the Child whilst traveling, an FYA employee may supervise the Child provided the following conditions are in place before travel commences:

- The parent or guardian of the Child has provided written permission to FYA for the Child to attend the FYA program or activity and to travel to or from the event under the supervision of an FYA employee.
- The parent or guardian has been provided with names and phone numbers of the FYA employees that will be supervising their Child and details of the travel arrangements.
- The planned travel will be by public transport or by taxi or rideshare. FYA employees are not to transport Children involved in FYA programs or

activities in private vehicles, except in an emergency or in exceptional circumstances (which should be approved by the CEO).

Accommodation

For some FYA programs or activities FYA may provide accommodation for participants, including Children. When being accommodated by FYA for an overnight stay, all Child participants must be supervised by either a chaperone (such a parent, guardian, teacher or other responsible adult) or by an FYA employee.

If an FYA employee is supervising a child being accommodated by FYA for an overnight stay, written permission from the Child's parent or guardian must be obtained before the Child is accommodated. In addition, the following conditions must be complied with:

- FYA employees are never to share a room with any FYA activity or event participants (this includes both Children and Young People).
- Supervising FYA employees are to be staying on the same floor of the accommodation building of any Child or Young person participants.
- FYA employee ratios for overnight stays are 1 Staff : 10 Children, with a minimum of 3 FYA employees for any number of participants. In exceptional circumstances (e.g. a young participant misses a scheduled flight), the CEO may approve a changed ratio taking into account all relevant circumstances (e.g. limited amount of time, unavoidable emergency situation, no other options).
- At least 1 supervising FYA employee must be youth mental health trained and first aid trained.

Health support

FYA employees should incorporate health support planning into any FYA activity or program involving Children. This means ensuring that:

- where necessary, a first aid kit and trained first aid provider (which may be an FYA employee with a relevant First Aid certificate) are available for the duration of the program or activity;
- the FYA employees responsible for running the program or activity have (by way of medical details form or otherwise) informed themselves of a Child's known first aid needs, such as whether they have a history of asthma, diabetes, anaphylaxis or epilepsy or a routine health support need such as medication administration, personal care support or help with a mental health issue.

As far as reasonably possible, a health support need should not prohibit a Child or Young Person from participating in an FYA program or activity.

6.7.2 Online activities and events

All online events or activities involving children that are hosted by FYA should comply with the following conditions.

- 2 FYA employees or 1 FYA employee and 1 responsible adult should be at the FYA activity or event for its duration.
- 1 of the adults should be designated to monitor the behavior and wellbeing of Child participants throughout the activity or event and should have access to the contact details of all Child participants should they need to be contacted for safety or wellbeing reasons.
- Any private chat capabilities of an online platform hosting an FYA activity or event should be disabled.
- Children should not be in an online breakout room without being supervised by an FYA employee or a responsible adult (designated as such by FYA).
- Online events or activities involving Children should not be recorded unless prior written permission has been provided by the Child's parent or guardian (or in the case of Children 15 years and over by the Child themselves).

At the beginning of each online activity or event hosted by FYA, an FYA employee should provide participants with information about:

- FYA's online safety measures;
- the contact details of at least one FYA employee who can be contacted during the activity or event should a participant have any safety or wellbeing concerns; and
- their option to turn off their camera during an online event should they wish to.

6.8 Reporting policy breaches

All allegations and complaints regarding breaches of this Child Safeguarding Policy, regardless of who they are made by, will be treated seriously, responded to promptly. Any investigation into a report of Child Abuse or a Breach of this Policy will be undertaken with the utmost confidentiality, sensitivity and care for the wellbeing of the Child involved.

6.8.1 Report by FYA employee, volunteer or contractor

FYA employees, volunteers and contractors are required to report any conduct directly seen or suspected, or any allegation or disclosure of conduct that does not comply with this Policy or the Child Safeguarding Code of Conduct. The report should be made to a member of the People and Operations Team and to the relevant body or authority (where required under mandatory reporting laws, explained below).

Where there is an investigation into an FYA employee, volunteer or contractor for conduct that is in breach of this Child Safeguarding Policy or the Child

Safeguarding Code of Conduct, that person is to be immediately removed from any activities that involve contact with Children.

6.8.2 Report by a Child, Young Person or participants in an FYA activity or program

Children involved in FYA activities or programs are informed of their right to feel safe, how they can make a report if they do not feel safe and encouraged to report any conduct that they witness or become aware of that does not comply with this Child Safeguarding Policy or the Child Safeguarding Code of Conduct.

7. Mandatory reporting laws (in all States and Territories except NT and VIC)

There are Australian laws that require certain persons to report suspected abuse and neglect of Children to government child protection services in Australia (https://aifs.gov.au/sites/default/files/publication-documents/2006_mandatory_reporting_of_child_abuse_and_neglect_0.pdf). The categories of people required to make a report of suspected abuse and neglect of Children differs in each State and Territory in Australia, but are most commonly teachers, early childhood educators, doctors, nurses and police.

If a FYA staff member, volunteer or contractor becomes aware of a situation where mandatory reporting or failure to disclose or report laws may apply, they must discuss their concerns and next steps with a Child Safety Officer as soon as practicable. Where a risk to a child is identified, FYA staff members, volunteers or contractors must escalate the risk to a Child Safety Officer, to determine the appropriate action to safeguard the wellbeing of the child.

FYA employees, volunteers and contractors are not covered by mandatory reporting laws in Qld, WA ACT, NSW, SA or Tas.

7.1 NT mandatory reporting laws

In the Northern Territory, all adults are covered by NT mandatory reporting laws, and in Victoria there are a number of differing mandatory reporting laws that apply to FYA employees, contractors and volunteers.

Under the *Care and Protection of Children Act 2007* (NT) any person who has a belief on reasonable grounds that a Child has suffered or is likely to suffer harm or exploitation in the Northern Territory must report this information to a NT police officer 'Harm or exploitation' under this law includes; physical abuse, sexual abuse or other exploitation of the child, emotional or psychological abuse, neglect or exposure to physical violence.

7.2 Victorian mandatory reporting laws - and ACT *Crimes Act 1900*

In Victoria, any adult (a person 18 years or older) who *forms a reasonable belief* that a sexual offence has been committed in Victoria by an adult against a child (in this case a person under 16 years) has an obligation to report that information to Victoria Police as soon possible.

If an adult fails to disclose this information to police, this is a criminal offence punishable by up to three years imprisonment under section 327 of the *Crimes Act 1958* (Vic). This is also known as the 'failure to disclose offence'. The failure to disclose offence applies to individuals and not to FYA as an organisation.

Victorian law also criminalises the failure of individuals to protect a child (in this case a person under 16 years) from a sexual offence. This is also known as the 'failure to protect offence'. This law covers FYA employees, volunteers and contractors as FYA is a 'charitable organisation providing services to children'. The law requires a person in authority (at a relevant organisation) to take certain actions to protect a child if they know that a person associated with their organisation poses a substantial risk to a relevant child.

8. Consequences of breaching this policy

Breaches of this Child Safeguarding Policy will not be tolerated and may result in disciplinary procedures, change of duties, suspension or termination of employment.

9. Review and monitoring

All staff and volunteers are responsible for monitoring the application of this Policy and should provide feedback on its effectiveness.

This policy will be reviewed every two years at minimum.

10. Authorisation

<i>Authorised by</i>	Board of Directors
<i>Date authorised</i>	December 2022

Appendix

National Child Safe Principles

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

NSW Child Safe Standards

1. Child safety is embedded in organisational leadership, governance and culture.
2. Children participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved.
4. Equity is upheld, and diverse needs are taken into account.
5. People working with children are suitable and supported.
6. Processes to respond to complaints of child abuse are child focused.
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
8. Physical and online environments minimise the opportunity for abuse to occur.
9. Implementation of the Child Safe Standards is continuously reviewed and improved.
10. Policies and procedures document how the organisation is child safe.