

YOUNG PERSON SAFETY POLICY - MENTORING

PURPOSE

This policy provides a clear set of guidelines and procedures for Sparkways to:

- provide a safe environment for all young people which ensures their safety, health and wellbeing
 - promote the cultural safety of all young people
 - identify, reduce and remove risks of young person abuse
 - intervene when a young person may be at risk of abuse or neglect
 - involve young people in young person safety including listening and incorporating their views about how to provide a safe environment
 - make staff aware of their legal and duty of care obligations to report young person abuse and neglect
 - responding to requests, sharing and requesting information to promote young person wellbeing or safety and/or manage risk of family violence
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POLICY STATEMENT

GUIDING PRINCIPLES

Sparkways is committed to:

- ensuring that volunteer mentors matched to young people act in the best interests of the participants, and take all reasonable steps to ensure their safety and wellbeing at all times
- supporting the rights of all young people to feel safe, and be safe, at all times
- developing and maintaining a culture in which young people feel valued, respected and cared for
- encouraging active participation from parents/guardians and families, and ensuring that best practice is based on a partnership approach and shared responsibility for young people's health, safety, wellbeing and development

SCOPE

This policy applies to all staff, students, volunteer mentors, mentees and parents and guardians of the Sparkways Mentoring program

 RESPONSIBILITIES	Sparkways Mentoring Staff	Volunteer Mentors	Young Person	Parent/Guardian
Ensuring that all Sparkways Mentoring staff are advised of current young person protection legislation, its application, and any obligations that they may have under that law	X			
Identifying and implementing appropriate programs and practices to support the principles of a child-safe organisation and the <i>Child Safe Standards</i>	X			
Ensuring recruitment and induction processes for Volunteers and students are in line with Sparkways policies (<i>refer Eligibility and Inclusion & Equity Policies</i>)	X			
Screening all Volunteers, and students in accordance with Sparkways policy (<i>refer Screening Policy</i>), including appropriate Young Person Safety training and education	X			
Ensuring that where Sparkways Mentoring has been notified of a court order prohibiting an adult from contacting a participant, such contact does not occur whilst the young person is engaged in mentoring activities	X	X		
Notifying Sparkways Mentoring immediately on becoming aware of a concern, complaint or allegation regarding the health, safety and welfare of a young person in their care, including suspected abuse by a volunteer	X	X	X	X
Offering support to the young person and their family, and to volunteers in response to concerns or reports relating to the health, safety and wellbeing of a young person involved in the Sparkways Mentoring program	X			
Developing co-operative relationships with appropriate services and/or professionals (including Orange Door) in the best interests of young people and their families and ensuring that the families are aware that these services are available to them	X			
Maintaining confidentiality at all times (<i>refer to Privacy and Confidentiality Policy</i>).	X	X	X	X
Ensuring young people are adequately supervised (not left unsupervised, or in the care of another person) whilst in the care of the volunteer and that the Volunteer mentors are aware of their responsibilities	X	X		
Ensuring parents/guardians have completed the appropriate forms providing any medical details,	X			X

relevant court orders, emergency contacts, and permission forms for high-risk activities.				
Ensuring there are appropriate procedures in place for the collection and safe return of young people by volunteers after a Mentoring activity	X	X		X
Identifying and providing appropriate resources and training to assist Volunteers and students on young person protection, including recognising the signs and symptoms of abuse, knowing how to respond, and understanding processes for reporting and managing concerns/incidents	X	X		
Protecting the rights of young people and families and encouraging their participation in decision-making	X	X	X	X

Any staff, volunteers, or mentors accused of child abuse or neglect will be investigated by the agency, as well as having the complaint referred to DFFH, the Commission for Children and Young People and in some instances the Victoria Police. Contact with the Sparkways Mentoring program will be restricted or constrained and/or the person in question suspended from employment or program participation per the decision of the Chief Executive Officer until such investigation is concluded.



BACKGROUND AND LEGISLATION

BACKGROUND

A key requirement of the *Education and Care Service National Law Act 210* is to ensure every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury (*National Law: Section 167*). The approved provider must also ensure that each Nominated Supervisor and each person in day-to-day charge of the service has successfully completed the child protection training required by the Department of Education and Training (*National Law: Section 162A*).

Under the *Education and Care Services National Regulations 2011*, the approved provider of an education and care service must ensure that the nominated supervisors and staff members at the service who work with children are advised of:

- the existence and application of the current child protection law
- any obligations that they may have under that law (Regulation 84)

The Children, Youth and Families Act 2005 provides the legislative basis for the provision of services to vulnerable children, young people and their families, and places children's best interests at the heart of decision-making and service delivery.

In line with the Victorian Government's Roadmap for Reform and broader child safety initiatives, *Part 6A* of the *Child Wellbeing and Safety Act 2005* was proclaimed in September 2018. The Act established the Child Information Sharing (CIS) Scheme, which enables sharing of confidential information between prescribed information sharing entities (*refer to Definitions*) in a timely and effective manner in order to promote the wellbeing and safety of children. Alongside the CIS Scheme, the *Family Violence Protection Act 2008* includes the Family Violence Information Sharing (FVIS) Scheme and the Family Violence Multi-Agency Risk Assessment

and Management Framework, which enables information to be shared between prescribed entities to assess and manage family violence risk to children and adults.

Any person who forms a reasonable belief (*refer to Definitions*), that a child is in need of protection may report their concerns to the Child Protection (*refer to Definitions*).

Youth Program professionals are prescribed mandatory reporters (*refer to Definitions*).

All mandatory reporters must make a report to Victoria Police and/or Child Protection (*refer to Definitions*) as soon as practicable if, during the course of their roles and responsibilities they form a reasonable belief that:

- A child is likely to suffer, or has suffered, significant harm as a result of physical abuse and/or sexual abuse, and
- The child's parents have not protected, or are unlikely protect, the child from harm of that type.

Victorian organisations that provide services to children are required under the *Child Wellbeing and Safety Act 2005* to ensure that they implement compulsory minimum *Child Safe Standards* to protect children from harm. The standards aim to drive continuous improvement in the way services prevent and report child abuse and respond to allegations of child abuse. Standard 2 requires services to have a child safety and wellbeing policy or statement of commitment to child safety and wellbeing.

Three criminal offences in the *Crimes Amendment (Protection of Children) Act 2014* protect children from child abuse:

- Failure to disclose: All adults (not just those working with children) have a legal duty to report information about child sexual abuse to Victoria Police. The offence applies to any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 and fails to report that information to the Victoria Police.
- Failure to protect: The offence applies to people within organisations who hold positions of authority within an education and care service, and who know of the substantial risk that another adult associated with the organisation may commit a sex offence and they have the power or responsibility to remove or reduce the risk but negligently fail to do so.
- Grooming offence: The offence targets predatory conduct by an adult with the intent of committing child sexual abuse. Conduct may include communication, including online communication, with a child under the age of 16 or their parents.

LEGISLATION AND STANDARDS

Relevant legislation and standards include but are not limited to:

- Children, Youth and Families Act 2005 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Child Wellbeing and Safety (Information Sharing) Amendment Regulations 2020
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Child Safe Standards (Vic)
- Crimes Amendment (Protection of Children) Act 2014 (Vic)
- Family Law Act 1975 (Cth)
- Family Violence Protection Amendment (Information Sharing) Act 2017
- National Quality Standard, including Quality Area 2: Children's Health and Safety
- Reportable Conduct Scheme administered by the Commission for Children and Young People (Vic)
- Worker Screening Act 2020
- Worker Screen Regulations 2021 (Vic)
- Wrongs Act 1958 (Vic)

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: www.legislation.vic.gov.au
- Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au



DEFINITIONS

Abuse: see Child abuse definition below.

Child abuse: (In the context of this policy) refers to an act or omission by an adult that endangers or impairs a child's physical and/or emotional health or development. Child abuse can be a single incident but often takes place over time. Abuse, neglect and maltreatment (refer to Definitions) are generic terms used to describe situations in which a child may need protection. Child abuse includes any and all of the following:

Physical abuse: When a child suffers or is likely to suffer significant harm from an injury inflicted by a parent/guardian, caregiver or other adult. The injury may be inflicted intentionally, or be the consequence of physical punishment or the physically aggressive treatment of a child. Physical injury and significant harm to a child can also result from neglect by a parent/guardian, caregiver or other adult. The injury may take the form of bruises, cuts, burns or fractures, poisoning, internal injuries, shaking injuries or strangulation.

Sexual abuse: When a person uses power or authority over a child, or inducements such as money or special attention, to involve the child in sexual activity. It includes a wide range of sexual behaviour from inappropriate touching/fondling of a child or exposing a child to pornography, to having sex with a child and grooming with the intent of committing child sexual abuse.

Emotional and psychological abuse: When a child's parent or caregiver repeatedly rejects the child or uses threats to frighten the child. This may involve name calling, put downs or continual coldness from the parent or caregiver, to the extent that it significantly damages the child's physical, social, intellectual or emotional development.

Neglect: The failure to provide a child with the basic necessities of life, such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed.

Family violence: When children and young people witness or experience the chronic, repeated domination, coercion, intimidation and victimisation of one person by another through physical, sexual and/or emotional means within intimate relationships. Contrary to popular belief, witnessing episodes of violence between people they love can affect young children as much as if they were the victims of the violence. Children who witness regular acts of violence have greater emotional and behavioural problems than other children.

Racial, cultural, religious abuse: Conduct that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture or religion. It may be overt, such as direct racial vilification or discrimination, or covert, such as demonstrating a lack of cultural respect (attitude and values) and awareness (knowledge and understanding) or failing to provide positive images about another culture.

Bullying: Repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons. Bullying occurs when one or more people deliberately and repeatedly upset or hurt another person, damage their property, reputation or social acceptance.

Child FIRST: A Victorian community-based intake and referral service linked with Family Services. Child FIRST ensures that vulnerable children, young people and their families are effectively linked to relevant services, including Child Protection (all Child FIRST services have transitioned or are currently transitioning to The Orange Door).

Child Information Sharing Scheme (CISS): enables Information Sharing Entities (ISE) (*refer to Definitions*) to share confidential information about any person to promote the wellbeing and/or safety of a child or group of children. The CISS works in conjunction with existing information sharing legislative provisions. All Victorian children from birth to 18 years of age are covered. Unborn children are only captured when there has been a report to Child First or Child Protection. Consent is not required from any person when sharing under CISS. The CISS does not affect reporting obligations created under other legislation, such as mandatory reporting obligations under the *Children, Youth and Families Act 2005*.

Child Safe Standards: Promotes the safety of children, prevent child abuse, and ensure organisations have effective processes in place to respond to and report all allegations of child abuse.

Child sex offender: Someone who sexually abuses children, and who may or may not have prior convictions.

Child protection: The term used to describe the whole-of-community approach to the prevention of harm to children. It includes strategic action for early intervention, for the protection of those considered most vulnerable and for responses to all forms of abuse.

Child protection notification: A notification to the Child Protection Service by a person who believes that a child is in need of protection.

Child Protection Service (also referred to as Child Protection): The statutory child protection service provided by the Victorian Department of Health and Human Services, to protect children and young people at risk of abuse and neglect. This service also works closely with Family Services (including Child FIRST) to support the assessment and engagement of vulnerable children and families in community-based services. Code of conduct: A set of rules or practices that establish a standard of behaviour to be followed by individuals and organisations. A code of conduct defines how individuals should behave towards each other and towards other organisations and individuals in the community (refer to Code of Conduct Policy).

Contractor: A person or company that undertakes a contract to provide materials or labour to perform a service or do a job. Examples include photographer, tradesperson, people contracted to provide an incursion.

Department of Families, Fairness and Housing (DFFH): The department is responsible for child protection, prevention of family violence, housing, disability, multicultural affairs, LGBTIQ+ equality, veterans, and the offices for Women and Youth.

Disclosure: (In the context of this policy) refers to a statement that a child or young person makes to another person that describes or reveals abuse.

Family Violence Information Sharing Scheme (FVISS): enables the sharing of relevant information between authorised organisations to assess or manage risk of family violence.

Head of organisation: The heads of organisations under the Reportable Conduct Scheme are required to have systems in place to prevent reportable conduct within their organisation, and systems to enable staff to make reportable allegations. The head of organisation has the powers of the employer. A CEO or Principle Officer is a head of organisation. For stand-alone kindergartens, the head of organisation will usually be the president or another office bearer who consents to the nomination.

Information Sharing Entities (ISE): are authorised to share and request relevant information under the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme (the Schemes) and required to respond to requests from other ISE's. All ISE's are mandated to respond to all requests for information.

Maltreatment: (In the context of this policy) refers to physical and/or emotional mistreatment, and/or lack of care of the child. Examples include sexual abuse, the witnessing of family violence and any non-accidental injury to a child.

Mandatory reporting: The legal obligation of certain professionals and community members to report when they believe, on reasonable grounds, that a child is in need of protection from harm. A broad range of professional groups are identified in the Children, Youth and Families Act 2005 as 'mandatory reporters', including those delivering youth programs.

Mandated staff members must make a report to Victoria Police and/or Child Protection as soon as is practicable if, during the course of acting out their professional roles and responsibilities, they form a belief on reasonable grounds (refer to Definitions) that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical and/or sexual abuse (refer to Definitions) and
- the child's parents/guardians have not protected, or are unlikely to protect, the child from harm of that type
- a child or young person states that they have been physically or sexually abused

Mandatory reporters must also follow processes for responding to incidents, disclosures or suspicions of child abuse to fulfil all their legal obligations (refer to Attachment 4: Processes for responding to and reporting suspected child abuse).

Neglect: see Child abuse definition above.

Negligence: Doing, or failing to do something that a reasonable person would, or would not do in a certain situation, and which causes another person damage, injury or loss as a result

Organisational duty of care: The statutory duty organisations have to take reasonable precautions to prevent sexual and/or physical abuse of a child.

Orange Door: A free service for adults, children and young people who are experiencing or have experienced family violence and families who need extra support with the care of children

Offender: A person who mistreats and/or harms a child or young person.

Perpetrator: A person who mistreats and/or harms a child or young person.

Reasonable belief/reasonable grounds: A person may form a belief on reasonable grounds that a child or young person is in need of protection after becoming aware that the child or young person's safety, health or wellbeing is at risk and the child's parents/guardians are unwilling or unable to protect them. There may be reasonable grounds for forming such a belief if:

- a child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be referring to themselves)
- someone who knows the child or young person states that the child or young person has been physically or sexually abused
- a child shows signs of being physically or sexually abused
- the person is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability or other factors that are impacting on the child or young person's safety, stability or development
- the person observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- a child's/young person's actions or behaviour may place them at risk of significant harm and the parents/guardians are unwilling or unable to protect the child.

Reportable allegation: any allegation that an employee, volunteer or student has committed child abuse (*refer to Definitions*)

Reportable Conduct Scheme: aims to improve oversight of how organisations respond to allegations of child abuse and child-related misconduct by their workers and volunteers. There are five types of 'reportable conduct':

- sexual misconduct committed against, with or in the presence of a child
- physical violence against, with or in the presence of a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child
- sexual offences committed against, with or in the presence of a child

Working with Children (WWC) Check: is a legal requirement under the Worker Screening Act 2020 for those undertaking paid or voluntary child-related work in Victoria.

Working with Children Clearance: A WWC Clearance is granted to a person under working with children legislation if:

- they have been assessed as suitable to work with children
- there has been no information that, if the person worked with children, they would pose a risk to those children
- they are not prohibited from attempting to obtain, undertake or remain in child-related employment



SOURCES AND RELATED POLICIES

SOURCES

- Australian Human Rights Commission: www.humanrights.gov.au
- Betrayal of Trust Implementation: www.justice.vic.gov.au
- Charter of Human Rights and Responsibilities Act 2006 (Vic): www.legislation.vic.gov.au
- Child Information Sharing Scheme Ministerial Guidelines: www.vic.gov.au/guides-templates-tools-for-information-sharing
- Commission for Children and Young People (CCYP): [Generic learning or training action plan and training materials](#)
- Commission for Children and Young People (CCYP): <https://ccyp.vic.gov.au>
- Cultural safety for Aboriginal children and combatting racism: [Keeping our kids safe: Understanding cultural safety in Child Safe Organisations](#)
- National Children’s Commissioner: <https://humanrights.gov.au>
- Service Agreement Information Kit for Funded Organisations: <https://fac.DFFH.vic.gov.au/service-agreement-requirements>
- Star Health’s ‘Being Equal’ model for change in early childhood services: [Gender Equality and Respect in Early Learning Services](#)
- The United Nations Convention on the Rights of the Child: www.unicef.org
- Working with Children (WWC) Check: www.workingwithchildren.vic.gov.au

RELATED POLICIES

- Code of Conduct
- Complaints
- Critical Incident Management
- Inclusion and Equity
- Match Support and Supervision
- Volunteer Screening
- Occupational Health and Safety
- Privacy and Confidentiality
- Volunteer International Police Check

RELATED DOCUMENT

- Social Media Agreement



EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Sparkways Mentoring program will:

- seek feedback from people affected by the policy regarding its effectiveness, particularly in relation to identifying and responding to child safety concerns
- monitor the implementation, compliance, complaints and incidents in relation to this policy

- keep the policy up to date with current legislation, research, policy and best practice
 - revise the policy and procedures as part of the service's policy review cycle, or as required
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AUTHORISATION

This policy was adopted by Sparkways on 20/05/2024

REVIEW DUE: May 2025
