

REPORTABLE CONDUCT

Statement of Policy

Eastcoast Housing is committed to promoting and protecting at all times the best interests of children that come into contact with Eastcoast Housing.

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.

Eastcoast Housing has zero tolerance of child abuse. Everyone working at Eastcoast Housing is responsible for the care and protection of the children that come into contact with us and reporting information about suspected abuse.

Child protection is a shared responsibility between Eastcoast Housing, all employees, workers, contractors, associates, and members of the community in which we work.

Eastcoast Housing will consider the opinions of children and use their opinion to develop child protection policies where possible.

Eastcoast Housing supports and respects all children, staff and volunteers. Eastcoast Housing is committed to cultural safety of Aboriginal children, the cultural safety of children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.

If any person believes a child is in immediate risk of abuse, telephone 000.

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1 The Reportable Conduct Scheme

Eastcoast Housing holds the safety and well-being of children and young people as an essential right. We believe we have a role in ensuring children live without fear and feel safe. We will act to promote child safety and work to prevent child abuse and will report and respond to child abuse allegations.

Changes to the Child Wellbeing Act - The Children Legislation Amendment (Reportable Conduct) Act 2016 was passed through parliament early in 2016.

There is still a legal question as to whether Eastcoast Housing is an 'applicable entity' under this Scheme, however as a matter of best practice has determined to adopt a policy position and introduce relevant practices to comply with standards established under this Act.

Eastcoast Housing has a responsibility under this scheme to:

- Respond to a reportable allegation made against a worker or volunteer from their organisation, by ensuring that allegations are appropriately investigated;
- Notify the Commission for Young People (the Commission) in writing within three business days of becoming aware of any reportable allegation made against its employees, volunteers or contractors;
- Within 30 days after becoming aware of the reportable allegation, provide further written notification to the Commission with a more detailed set of information regarding the allegation and the actions being taken by the entity; and
- Ensure that their organisation has systems in place to:
- Prevent reportable conduct from being committed by a worker or volunteer within the course of their employment;
- Enable any person to notify the head of a reportable allegation;
- Enable any person to notify the Commission of a reportable allegation involving the head; and
- Investigate and respond to a reportable allegation against a worker or volunteer from that organisation.

Other legislation contains reporting obligations in regard to child safety that Eastcoast Housing needs to consider at all times includes:

Crimes Act 1958 (Vic)

Children, Youth and Families Act 2005 (Vic)

Family Law Act 1975 (Cth)

1.1 *Crimes Act 1958 (Vic)*

Failure to Disclose

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 must report that information to Victoria Police. It is a criminal offence to fail to disclose that information to Victoria Police.

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1.2 *Failure to Protect*

If you are a staff member in a position of authority, and you become aware that an adult associated with your organisation (such as worker or volunteer) poses a risk of sexual abuse to a child who is under the care, authority or supervision of your organisation, you must take all reasonable steps to remove or reduce the risk. If you fail to take reasonable steps in these circumstances, this may amount to a criminal offence.

1.3 *Children Youth and Families Act 2005 (Vic)*

Doctors, nurses, midwives, teachers (including early childhood teachers), principals, and police are all 'mandatory reporters'. They must report to Child Protection if they form a reasonable belief that a child is in need of protection from physical injury or sexual abuse.

1.4 *Family Law Act 1975 (Vic)*

Family consultants, family counsellors, family dispute resolution practitioners or arbitrators, independent children's lawyers and certain other people whose work is related to Family Court Australia are also mandatory reporters. They must report to Child Protection if they suspect on reasonable grounds that a child has been abused or is at risk of being abused.

2 Purpose

The purpose of this policy is

1. To facilitate the prevention of child abuse occurring within Eastcoast Housing.
2. To work towards an organisational culture of child safety.
3. To prevent child abuse within Eastcoast Housing.
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/contractors as to action that should be taken when they suspect any abuse within or outside of the organisation.
6. To provide clear statement to staff/volunteers/contractors forbidding any such abuse.
7. To provide assurance that any and all suspected abuse will be reported and fully investigated.

3 Definitions

Child means any 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, 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 detail 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:

- the child is in need of protection,
- the child has suffered or is likely to suffer 'significant harm as a result of physical injury',
- 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.

4 Responsibilities

The Board of Eastcoast Housing has ultimate responsibility for the prevention and detection 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 Code of Conduct that deals with these issues are in place.

The Managing Director (MD) of Eastcoast Housing is responsible for:

- Promoting child safety at all times;
- Dealing with and investigating reports of child abuse. Assessing the risk of child abuse within their area of control and eradicate/minimise any risk to the extent possible;
- Ensuring that all staff, contractors, and volunteers are aware of relevant laws, organisational policies and procedures, and the organisation's Code of Conduct in relation to child protection;
- Ensuring that all adults with Eastcoast Housing community are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures; and to facilitate the reporting of any inappropriate or suspected abusive activities;
- 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) and to educate employees about prevention and detection of child abuse; and
- Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.

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.

All staff, volunteers, 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 Eastcoast Housing'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 police and/or state based child protection service) 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 ie. chairperson); and

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

5 Employment of new personnel

Eastcoast Housing undertakes comprehensive recruitment and screening process for all workers (employees and contractors) and volunteers which aims to:

- Promote and protect the safety of children under the care of the organisation;
- Identify the safest and most suitable people who share Eastcoast Housing's values and commitment to protect children; and
- Prevent a person from working at Eastcoast Housing if they pose a risk to children.

Eastcoast Housing requires all workers/volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with Eastcoast Housing.

Eastcoast Housing may require applicants to provide a police check in accordance with the law and as appropriate, before they commence working at Eastcoast Housing and during their time with Eastcoast Housing at regular intervals.

Eastcoast Housing will undertake thorough reference checks as per the approved internal procedure.

Once engaged, workers/volunteers must review and acknowledge their understanding of this Policy.

6 Risk management

Eastcoast Housing will ensure that child safety is a part of its overall risk management approach.

Eastcoast Housing will have a risk and compliance sub-committee (Risk/Finance sub-Committee) committed to identifying and managing risks at Eastcoast Housing. The Risk and compliance sub-committee members will receive regular training in relation to child safety.

7 Reporting

Any staff member, volunteer or contractor who has grounds to suspect abusive activity must immediately notify the appropriate child protection service or the police. They should also advise their supervisor about their concerns.

In situation 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 (Chairperson).

Supervisors must report complaints of suspected abusive behaviours or misconduct to the MD and also to any external regulatory body such as the police.

8 Investigating

If the appropriate child protection service or the police decide to conduct an investigation of this report, all employees, contractors or volunteers must cooperate fully with the investigation.

Whether or not the authorities decide to conduct an investigation, the MD 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 Managing Director may decide to conduct such an investigation. All employees, contractors or volunteers must cooperate fully with the investigation.

Any investigation will be conducted according to the rules of natural justice. The MD 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. After initial review and a determination that the suspected abuse warrants additional investigation, the MD shall coordinate the investigation with the appropriate investigators and /or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

9 Responding

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.

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.

10 Privacy

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. Eastcoast Housing will have safeguards and practices in place to ensure any personal information is protected.

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Everyone is entitled to know how the personal information is recorded, what will be done with it, who will be able to access it.

11 Reviewing

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.

12 Related documents

This policy must be read in conjunction with:

- The law of the Commonwealth and of the state of Victoria as they relate to child safety and protection
- The organisation's code of conduct
- Termination of Employment Policy and Misconduct Procedures

13 Code of conduct – child safety

This code of conduct is directed to employees, volunteers and contractors working with children and young people.

All people that come into contact with children on behalf of Eastcoast Housing 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 young people with respect and value their ideas and opinions
7. Act as positive role models in their conduct with children and young people
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/careers, and only disclose information to people who have a need to know
12. Maintain a child-safe environment for children and young people
13. Operate within the policies and guidelines of Eastcoast Housing
14. Contact the police if a child is at immediate risk of abuse, phone 000

No person shall:

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

13.1 What happens if you breach this component of the Code of Conduct

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

See also 2. Board of Directors Section 8 Director's Code of Ethics and 5. Practice Standards Section 1 Business Ethics & Conflict of Interest