

# CHILD PROTECTION POLICY, CODE OF CONDUCT and PROCEDURE

Approved 23 April 2020

*All children have a right to feel safe and be safe when they play music.*

## 1. CHILD PROTECTION POLICY

### 1.1. Introduction

Melbourne Youth Music Incorporated (trading as Melbourne Youth Orchestras (“MYO”)) is committed to promoting and protecting the safety and wellbeing of all children. We have zero tolerance for child abuse.

Everyone working at MYO is responsible for the care and protection of children and reporting information about child abuse.

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

### 1.2. Purpose

The purpose of this Policy is to:

- a) prevent child abuse occurring within all MYO Environments;
- b) work towards an organisational culture of child safety;
- c) 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;
- d) provide guidance on action that should be taken where a person suspects any child abuse within all MYO Environments;
- e) provide a clear statement to employees, directors, volunteers and contractors forbidding any such abuse; and
- f) provide assurance that any and all suspected abuse will be reported and fully investigated.

For the purposes of this Policy:

- a) “MYO Environments” mean any physical or virtual place made available or authorised by MYO’s governing authority for use by a child, including:
  - a. a campus of MYO;
  - b. online MYO Environments (including social media, online meeting platforms, online learning platforms, email and intranet systems); and
  - c. other locations provided by MYO for a child's use (including, without limitation, locations used for music camps, concert performances, excursions, competitions, and other events); and
- b) “Participants” mean all enrolled participants in any MYO programs.

### 1.3. Scope

This Policy applies to all employees, directors, volunteers, contractors, adult participants (aged 18 and over) and adult members of MYO (aged 18 and over).

### 1.4. Guiding principles

This Policy is based on the following principles:

- a) MYO has zero tolerance for child abuse;

- b) the best interests of the child are paramount;
- c) child protection is a shared responsibility;
- d) all children have a right to feel safe and be safe when they play music, and have equal rights to protection from abuse;
- e) MYO will consider the opinions of members and use their opinions to develop child protection policies and procedures;
- f) MYO will take into account the diversity of all children, including (but not limited to) the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable, and make reasonable efforts to accommodate these matters;
- g) MYO 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 members living with a disability; and
- h) everyone covered by the Policy must also comply with MYO's Child Protection Code of Conduct, which sets stringent standards for personal behaviour.

### **1.5. Child Protection Group**

The Child Protection Group is responsible for:

- a) ensuring that employees, directors, volunteers and contractors are adequately trained on all child protection matters on a regular basis;
- b) identifying and managing risks at MYO in relation to child safety;
- c) making recommendations to the Finance Risk and Investment ("**FRI**") Committee on any necessary amendments to the Child Protection Policy, Code of Conduct and Procedure after a child safety incident occurs.

The Child Protection Group meets annually and consists of the Child Protection Officers ("**CPOs**").

Members of the Child Protection Group will receive regular training in relation to child safety.

The Child Protection Group is open to receiving feedback from all members of the community on how to improve its risk management approach and better protect the safety of children. Feedback should be directed to the Child Protection Group in writing.

### **1.6. FRI Committee**

The FRI Committee is responsible for ensuring that the Child Protection Policy, Code of Conduct and Procedure is reviewed and updated as necessary, and taking into consideration any recommendations made to it by the Child Protection Group.

The FRI Committee meets quarterly and consists of MYO Directors, with the CEO and the Finance Manager in attendance.

### **1.7. Child Protection Officers**

Nominated CPOs are available to listen, discuss and clarify issues confronting individual employees, directors, volunteers and contractors in relation to child physical and sexual abuse. MYO CPOs will make reports on behalf of MYO and ensure that adequate records are maintained. MYO CPOs are the CEO, Programs and Administration Manager, Operations Manager, Programs and Administration Coordinator, Operations Coordinator, Music Director and Ensemble Coordinators.

### **1.8. Recognising child abuse**

Child abuse includes:

- a) any act committed against a child involving
  - a. a sexual offence; or
  - b. an offence under section 498(2) of the Crimes Act 1958 (grooming); and
- b) the infliction, on a child, of-
  - a. physical violence; or
  - b. serious emotional or psychological harm; and
- c) serious neglect of a child.

"Child" means a person enrolled as a member at MYO and under the age of 17 years unless otherwise stated under the law applicable to the Child. The collective term for "Child" is "Children".

## 1.9. Reporting obligations

### Mandatory reporting obligations

Under the *Crimes Act*, any person who receives information that leads them to form a reasonable belief that a sexual offence has been committed in Victoria against a child (under the age of 16 years) by another person (of or over the age of 18 years), has a legal obligation to disclose that information to the Police as soon as it is practicable. The maximum punishment for individuals who fail to comply with this obligation under the *Crimes Act 1958 (Vic)* is 3 years imprisonment.

MYO supports and encourages employees, directors, volunteers and contractors to make a report to the Police if they form a belief on reasonable grounds that a child is in need of protection, or they are concerned about the safety, health or wellbeing of a child.

### Reasonable grounds for belief

You have reasonable grounds to notify when:

- a) a child tells you that he/she has been physically or sexually abused;
- b) a child states that they know someone who has been physically or sexually abused (sometimes the child is talking about themselves);
- c) someone else, such as a relative, friend, acquaintance or sibling of the child, tells you that a child has been abused;
- d) your observations of the child's behaviour or knowledge of children lead you to believe that the child has been abused; or
- e) you observe physical signs or indicators of abuse (e.g. bruises, cuts etc.).

NB: We encourage reporting where you hold a concern about the safety of a child.

### Voluntary reporting

In addition to the mandatory reporting obligations above, **any person** who believes on reasonable grounds that a child is in need of protection from child abuse, may disclose that information to the police or the Department of Health and Human Services ("DHHS"). If a person would like internal guidance or support with addressing their concerns, they are encouraged to speak with a CPO.

### Reporting obligations under the Children, Youth and Families Act 2005 (Vic) ("CYFA")

In addition to the above obligations, the CYFA requires certain professionals to make a report to DHHS when, in the course of their position or employment:

- a) they form a **belief on reasonable grounds** that a child is in need of protection because the child has suffered, or is likely to suffer, significant harm as a result of **physical injury** or **sexual abuse**; and
- b) the child's parents or caregiver have not protected, or are unlikely to protect, the child from harm.

Under the CYFA, **mandatory reporters** include principals, registered teachers (who teach primary school, secondary school or early childhood), nurses, midwives, medical practitioners and police officers. Given that MYO will not engage these professions in their professional capacities, it is unlikely that the reporting obligations under the CYFA will capture any individuals at MYO.

### Protection of reporters

Any employee, director, volunteer or contractor that makes a report in good faith in accordance with their reporting obligations will be supported by MYO, and will not be penalised by MYO for making the report.

If an employee, director, volunteer or contractor is uncertain as to whether they should make a report to an external authority in relation to the safety of a child, they must speak to a CPO for guidance and information.

## 1.10. Prevention

### Recruitment

MYO undertakes a comprehensive recruitment and screening process for all employees, directors, volunteers and contractors which aims to:

- a) promote and protect the safety of all children within all MYO Environments;

- b) identify and recruit the safest and most suitable candidates who share MYO's values and commitment to protect children; and
- c) prevent a person from working at MYO if they pose an unacceptable risk to children.

Each job or category of jobs for MYO employees, directors, volunteers and contractors that involves child-connected work will have a clear statement that sets out:

- a) the job's requirements, duties and responsibilities regarding child safety; and
- b) the job occupant's essential or relevant qualifications, experience and attributes in relation to child safety.

All applicants for jobs that involve child-connected work for MYO will be informed about MYO's child safety practices (including the Child Protection Policy, Child Protection Code of Conduct and Child Protection Procedure).

All employees, directors, volunteers and contractors engaged at MYO are required to have a current WCC prior to being engaged by MYO. MYO's Programs and Administration Manager records all WCCs in a database that is checked monthly to see who requires a renewal.

MYO will conduct thorough reference checks to ensure the suitability of all candidates prior to their engagement. This will include MYO making reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform child-connected work:

- a) WCC status, or similar check;
- b) proof of personal identity and any professional or other qualifications;
- c) the person's history of work involving children; and
- d) references that address the person's suitability for the job and working with children.

The type of evidence that an applicant is required to provide to MYO will vary depending on the type of position that they are applying for. However, MYO will not offer any applicant a position at MYO until they provide the required evidence to the Operations Manager.

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

Once engaged, MYO will provide employees, directors, volunteers and contractors with access to the Child Protection Policy, Child Protection Code of Conduct and Child Protection Procedure and employees, directors, volunteers and contractors must review and acknowledge their understanding of the Child Protection Policy, Code of Conduct and Procedure.

### Risk Management

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

MYO's Child Protection Group is committed to identifying and managing risks within all MYO Environments. Child Protection Group members will receive regular training in relation to child safety.

If the Child Protection Group identifies risks of child abuse occurring in one or more MYO Environments the committee will make a record of those risks and specify the action(s) MYO will take to modify the risks (i.e. new or improved controls).

As part of its risk management strategy and practices, the Child Protection Group will monitor and evaluate the effectiveness of the implementation of its controls.

The CEO will ensure that appropriate training at least annually is conducted for:

- Directors;
- Employees;
- Contractors; and
- Volunteers.

Information will be provided to participants (or for participants under 18 years of age, to their parents/carers), about child safety at the beginning of each program.

Communication

MYO is pro-active in the area of prevention and will communicate the Child Protection Policy, Child Protection Code of Conduct and Child Protection Procedure in the manner below. CPOs are responsible for disseminating and communicating the Child Protection Policy, Child Protection Code of Conduct and Child Protection Procedure in the manner below.

PARTICIPANTS	PARENTS, GUARDIANS, COMMUNITY, SPONSORS, PARTNERS	EMPLOYEES, VOLUNTEERS, CONTRACTORS, BOARD MEMBERS
<ul style="list-style-type: none"> <li>• Student Handbook, including 'Etiquette and Expectations' section concerning online learning</li> <li>• Website</li> <li>• Rehearsal briefings</li> <li>• During COVID-19: via parents</li> </ul>	<ul style="list-style-type: none"> <li>• Student Handbook</li> <li>• Website</li> <li>• Parent information sessions</li> <li>• MYO e-news</li> <li>• During COVID-19: via direct email</li> </ul>	<ul style="list-style-type: none"> <li>• Website</li> <li>• Letters of appointment/ contracts</li> <li>• Position descriptions</li> <li>• New employees, directors, volunteers and contractors Induction Training and refresher training</li> <li>• Annual Training Session</li> <li>• During COVID-19: via direct email</li> </ul>

**1.11. Responding & Reporting**

In the case of an allegation being made against an employee, director, volunteer and/or contractor at MYO, the CPO will follow MYO's Child Protection Procedure. MYO will take all steps to ensure that the safety of the child is paramount.

The first step is to withdraw the accused person from active duty, which could entail standing down (with pay, where applicable), re-assignment to other duties that do not have direct contact with children, or to work under increased supervision while the matter is being investigated.

Case management

In the event of a child disclosing an incident of abuse to someone they trust it is essential that it is dealt with sensitively and professionally.

Investigations

MYO will appropriately investigate all allegations relating to an incident of abuse in accordance with its obligations and to the extent reasonably practicable. In some circumstances, it may be necessary for MYO to conduct an investigation in addition to any investigation conducted by authorities (e.g. the police).

The CEO, or Chair of the MYO Board if the complaint relates to the CEO, will conduct an independent investigation into the allegation to the extent that it will not interfere with investigations by DHHS or the police, and will co-operate with the authorities as required.

All people covered by the Child Protection Policy, Code of Conduct and Procedure must co-operate fully with any investigation by DHHS, the police or MYO.

The CEO, or Chair of the MYO Board if the complaint relates to the CEO, will make every effort to keep any such investigation confidential; however, from time to time other employees, directors, volunteers and contractors may need to be consulted in conjunction with the investigation (e.g. to provide witness statements).

An investigation conducted by MYO will be conducted in accordance with procedural fairness to protect the integrity of the investigation and the interests of all the participants involved in the investigation. MYO will also handle the allegations in a confidential manner to the greatest extent possible.

In some circumstances, it may be appropriate for MYO to engage a person (or persons) from outside MYO to conduct an independent investigation in relation to allegations.

The outcome will depend on the findings of the investigation, but may include withdrawal from active duty, re-assignment to duties with no contact with children, increased supervision, disciplinary action, dismissal or criminal prosecutions.

#### **1.12. Record keeping**

All reports of alleged abuse or harm, or risk thereof, must be recorded in the form of an Incident Report. Places, times, dates, names of people, observable behaviours or evidence of harm are what is recordable. Reports must be to be securely stored by the CEO.

#### **1.13. Privacy and confidentiality**

MYO will collect, use, disclose and hold personal information in accordance with the *Privacy Act 1988 (Cth)* and MYO's Privacy Policy.

##### Principles

There are two guiding principles in respect to a child's privacy.

- a) First, MYO will operate on the best interests principle. All employees, directors, volunteers and contractors will do what they believe to be in the best interest of the child. This principle supersedes all others.
- b) Second, MYO will respect a child's confidentiality except in situations where it conflicts with the best interests principle.

As much as is reasonably possible, an individual's confidentiality is to be protected. Both those who are making reports and those about whom accusations are being made are entitled to confidentiality. Where there is suspected abuse or misconduct, employees, directors, volunteers and contractors must not disclose or make use of the information in a manner that breaches confidentiality, other than to report and act consistent with the Child Protection Policy, Code of Conduct and Procedure, and relevant statutory requirements.

# **1. CHILD PROTECTION CODE OF CONDUCT**

## **2.1. Introduction**

Employees, directors, volunteers and contractors at MYO are required to abide by this Code. The purpose of this Code is to promote child safety within all MYO Environments, including online.

The following list of behaviours includes examples of what is acceptable and not acceptable behaviour.

## **2.2. Acceptable behaviours**

All people involved in the care of children on behalf of, or in connection with, MYO must:

- a) contact the police if a child is at immediate risk of abuse (telephone '000');
- b) adhere to the Child Protection Policy and Procedure and uphold MYO's statement of commitment to child safety at all times;
- c) take all reasonable steps to protect children from abuse;
- d) conduct themselves in a manner consistent with their position as an employee, director, volunteer or contractor of MYO and as a positive role model to children and young people;
- e) work towards the achievement of the aims and purposes of the organisation;
- f) be responsible for relevant administration of programs and activities in their area;
- g) maintain a duty of care towards others involved in these programs and activities;
- h) establish and maintain a child-safe environment in the course of their work;
- i) be fair, considerate and honest with others;
- j) treat children and young people with respect and value their ideas, opinions and backgrounds;
- k) promote the cultural safety, participation and empowerment of Aboriginal and Torres Strait Island children (for example, by never questioning an Aboriginal and Torres Strait Island child's self-identification);
- l) promote the safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination);
- m) promote the safety, participation and empowerment of children with a disability;
- n) listen and respond to the views and concerns of children, particularly if they are telling you that they are or another child has been abused or that they are worried about their safety/the safety of another child;
- o) ensure (as far as practicable) that adults are not alone with a child, including in all online environments;
- p) comply with all reporting obligations as they relate to mandatory reporting under the Children, Youth and Families Act 2005 (Vic) and the Crimes Act 1958 (Vic);
- q) raise concerns about suspected abuse with the CEO, Programs and Administration Manager or Operations Manager as soon as possible;
- r) record and act upon all allegations or suspicions of abuse, discrimination or harassment;
- s) if an allegation of child abuse is made, ensuring as quickly as possible that the child(ren) are safe;
- t) be professional in their actions;
- u) maintain strict impartiality;
- v) comply with MYO's guidelines on contact with children, including all online environments and social electronic media
- w) respect confidentiality when sharing information about children in accordance with the Child Protection Policy and Procedure and your reporting obligations;
- x) maintain a child-safe environment for children and young people; and
- y) operate within the policies and guidelines of the MYO.

## **2.3. Unacceptable behaviour**

All people involved in the care of children on behalf of MYO must not:

- a) ignore or disregard any suspected or disclosed child abuse;

- b) put a child at risk of abuse (for example, by locking doors for an improper reason);
- c) speak to a child in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. Some examples are:
  - i. swearing or using inappropriate language in the presence of a child;
  - ii. yelling at a child, except in an emergency situation where the a child's safety may be in danger;
  - iii. dealing with a child while the adult is angry with the child; and
  - iv. using hurtful sarcasm.
- d) express personal views on cultures, race or sexuality in the presence of a child (unless the child is a member of your immediate family);
- e) discuss sexual activities with a child unless it is a specific job requirement and the person is trained to discuss these matters, or the child is a member of your immediate family;
- f) have contact with a child or their immediate family outside of MYO activities without MYO's leadership's knowledge and consent or MYO's governing authority's approval (for example, unauthorised after hours music lessons, private coaching or excursions) (unless the child is a member of your immediate family). Accidental/incidental contact, such as:
  - i. seeing children in the street;
  - ii. attending a social event which MYO participants are attending;
  - iii. attending a music concert in which participants are attending; or
  - iv. any other incidental contact that is outside of your professional relationship with the child as an employee, contractor, director or volunteer of MYO, and that is not for an improper purpose,
 is appropriate;
- g) have any online contact with a child (including by social media, email, instant messaging, online meetings, online learning etc.) or their immediate family unless necessary e.g. by providing e-newsletters, by moderating social media groups, by delivering online learning, within MYO's online learning environments, or the child is a member of your immediate family);
- h) use any personal communication channels/devices such as a personal email account to communicate with a child (unless the child is a member of your immediate family);
- i) exchange personal contact details such as phone number, social networking sites or email addresses with a child (unless the child is a member of your immediate family);
- j) use, possess, or be under the influence of alcohol while in the presence of or while supervising a child (unless the child is a member of your immediate family or your contact with the child is accidental/incidental and you are not performing your professional obligations);
- k) use, possess, or be under the influence of illegal drugs while in the presence of or while supervising a child;
- l) provide or allow a child to consume alcohol (unless the child is a member of your immediate family and you comply with all relevant legislation);
- m) provide or allow a child to consume illegal drugs;
- n) 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 (unless the child is a member of your immediate family and you comply with all relevant legislation);
- o) engage in rough physical games, hold, massage, kiss, cuddle or touch a child in an inappropriate and or/culturally insensitive way (unless the child is a member of your immediate family and you comply with all relevant legislation);
- p) engage in any sexual contact with a child. For the purposes of this Code, sexual contact is defined as vaginal intercourse, anal intercourse, oral intercourse or the touching of an erogenous zone of another (including but not limited to the thighs, genitals, buttocks, pubic region or chest) for the purpose of sexually arousing or gratifying either person;
- q) take a child to their home or encourage meetings outside program activities, including any online environment (unless the child is a member of your immediate family or written parental permission has been provided);
- r) be naked in the presence of a child (unless the child is a member of your immediate family);



- s) possess sexually explicit printed materials (magazines, cards, videos, films, clothing, etc.) in the presence of children;
- t) sleep in the same bed, sleeping bag or room with a child (unless the child is a member of your immediate family);
- u) discriminate against any child, including because of age, gender identity, sex, race, culture, sexuality, or disability;
- v) engage in any activity with a child that is likely to physically or emotionally harm them;
- w) be alone with a child unnecessarily and for more than a very short time (unless the child is a member of your immediate family);
- x) develop a 'special' relationship with a specific child for their own needs (unless the child is a member of your immediate family);
- y) show favouritism through the provision of gifts or inappropriate attention (unless the child is a member of your immediate family);
- z) photograph or video a child, including taking screen recordings or screenshots without the consent of the child and his/her parents or guardians;
- aa) do anything in contravention of MYO's policies, procedures or this Code of Conduct.

#### **2.4. Physical contact / touching**

Employees, directors, volunteers, and contractors are prohibited from using physical discipline in any way for behaviour management of children. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviours by children.

Physical contact may be required in an emergency situation to remove children quickly from danger or threat of danger.

Appropriate contact between employees, directors, volunteers, contractors, and children is part of normal human relationships. Some considerations and guidelines include the following:

- a) consider the child's age, developmental level, maturity and level of care required, for example, touching a child to gain their attention, guiding or comforting a distressed child;
- b) work in an open environment; for example, in confidential interviews or a one-to-one meeting, the door should be open with visual access. Exceptions apply for professions with strict confidentiality requirements;
- c) be alert to cues from children about how comfortable they are in your proximity and respect their need for personal space;
- d) be sensitive when interacting with children who may misinterpret your actions, such as those who may have been traumatised by abuse or adolescents seeking attention of a sexual nature
- e) be aware of cultural norms that may influence the interpretation of your behaviour;
- f) be cautious about physical contact in games or practical instruction. If you need to make physical contact for demonstrations, explain the activity and what you will do, maintain a safe and appropriate distance;
- g) physical contact should be made in a way that makes children feel comfortable, for example, shaking hands, a congratulatory pat on the back or rub on the side of their arm for reassurance. Massaging a child or allowing a child to massage you is inappropriate physical contact (unless the child is a member of your immediate family and you comply with all relevant legislation);

All forms of physical contact should therefore be avoided where possible.

#### **2.5. Virtual or online interactions**

- a) A minimum of 2 adult staff members must be present during all online meetings with students. 1 staff member can supervise a breakout group with more than one student.
- b) All online meetings or other online interactions must be held in password-protected private meetings.
- c) Participants will be admitted from a waiting room by the meeting moderator/host after the moderator/host has checked meeting registration records
- d) Online meetings will be locked upon commencement

- e) All online meetings must be recorded with the recording transferred immediately to an internal MYO system folder along with details of the meeting date, time, purpose and transcript of all written / chat interactions available
- f) Recordings must be stored for a period of 12 months
- g) Private chat between meeting participants must be disabled
- h) Private email addresses must not be disclosed or made available to participants
- i) File sharing is disabled during meetings
- j) Participant screen sharing is disabled by default but can be enabled at the educators' discretion
- k) Video must be on at all times; participants not complying with this will be removed from meetings.

## 2.6. Transportation and off-site events

Other than in an emergency or other abnormal situation where no other option could be reasonably foreseen, it is not acceptable to transport children without written permission of their parent, carer or guardian.

It is prohibited to have unnecessary and/or inappropriate physical contact with children while in vehicles.

Children should be transported directly to their destination. No stops should be made other than those that are reasonably scheduled for meals or comfort stops. This obligation does not apply to children that are a member of your immediate family.

It is prohibited to have children spend the night at the residence of an employee, director, volunteer or contractor without parental/guardian prior approval.

Changing and showering facilities or arrangements for adults must be separate from facilities or arrangements for children (unless the child is a member of your immediate family).

## 2.7. Confidentiality

### Disclosing information to employees, directors, volunteers and contractors

When children are having a written or verbal interaction with employees, directors, volunteers and/or contractors of MYO, that interaction is confidential to the organisation not to the individual. This means that an employee, director, volunteer or contractor is able to talk with other employees, directors, volunteers or contractors in a way that identifies the child. That said, where possible the privacy of the child should be respected at all times. When considering breaching their privacy who and how many people are told should be based on what is believed to be in the best interests of the child.

### Disclosing information to people external to the organisation

Employees, directors, volunteers and contractors should not discuss confidential matters about children with people outside the organisation in a way that identifies that child except when they have the express permission of the child or it complies with MYO's Child Protection Policy, Code of Conduct and Procedure. In circumstances where employees, directors, volunteers and/or contractors believe that there is not enough knowledge within the organisation to provide the best possible assistance to a child, they are able to seek expertise external to MYO. When communicating with people outside MYO the child's identity should be protected.

### Informing children

It is the responsibility of MYO to communicate, via the Student Handbook, the limits of confidentiality in MYO to children who are likely to have an ongoing relationship with MYO. These guidelines should be published in an accessible place for children.

## 2.8. Related legislation

- a) *Children, Youth and Families Act 2005* (Vic);
- b) *Child Wellbeing and Safety Act 2005* (Vic); and
- c) *Crimes Act 1958* (Vic).

Department of Health and Human Services Child Protection – 1300 664 977 (9am – 5pm)

Child Protection Crisis Line – 24 Hours, seven days a week. Telephone: 13 12 78

### **3. CHILD PROTECTION PROCEDURE**

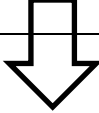
This Procedure applies to all employees, directors, volunteers and contractors of MYO, whether they work face-to-face, online or remotely with children. It should be read in accordance with the Child Protection Policy and Code of Conduct.

#### **Step 1:**

Any person (aged 18 or over) that forms a belief, on reasonable grounds, that a sexual offence has been committed in Victoria against a child (under the age of 16 years) by another person (aged 18 or older), must make a report to the police as soon as practicable.

The individual employee, director, volunteer, contractor or adult member of MYO, should discuss these observations and concerns with the CEO, Programs and Administration Manager, or Operations Manager, who can assist the person to make the report to the police as required.

Any person (of any age) that forms a belief on reasonable grounds that a child is in need of protection from child abuse (physical, sexual, emotional, psychological or neglect), may disclose that information to the police or the Department of Health and Human Services (“DHHS”). MYO encourages all persons with concerns to raise this directly with the CEO, Programs and Administration Manager, or Operations Manager.



#### **Step 2:**

It may be that, following the previous step, a person decides to make a report to DHHS or the police with the support of the CEO, Programs and Administration Manager, or Operations Manager.

#### **Making a report:**

Ring DHHS on 1300 664 977. Ask for Child Protection.

OR

Ring the police on 000.

#### **Information for making a report:**

- name, age and address of the participant;
- the reason for suspecting that the behaviour or injury is a result of abuse;
- an assessment of the immediate danger to the member;
- a description of the injury or behaviour observed;
- the current whereabouts of the member;
- any other information about the immediate family; and
- any specific cultural details, e.g. English speaking, disability, etc.

Ask that MYO be informed of each step of the procedure.

Request that if an interview is to take place at MYO the visiting police officer is in plain clothes and the time of the interview is specified so that appropriate arrangements for a meeting room can be organized.

When the person informs the CEO, Programs and Administration Manager, or Operations Manager that he/she is to make/has made a report, a Case Management Group that may

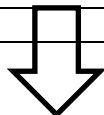
consist of the Child Protection Officers will be set up to discuss the matter and to offer support to the member and reporter.

If the complainant alleges that a crime has been committed by an employee, director, volunteer or contractor, that person will be stood aside immediately.

The CEO or Board Chair if the allegation involves the CEO will conduct an independent investigation into the allegation to the extent that it will not interfere with investigations by DHHS or the police, and will co-operate with the authorities as required.

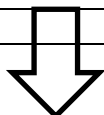
Where an allegation has been the made, MYO will make, secure, and retain records of the allegation of child abuse and MYO's response to it.

Fulfilling the roles and responsibilities contained in this Procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.



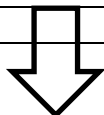
**Step 3:**

If the member is agreeable to be interviewed by DHHS or the police, a Child Protection Officer should offer to be present at the interview to give support to the member.



**Step 4:**

Following a report, DHHS may need to contact the CEO or Board Chair about the notification. It would be a matter of courtesy to inform the CEO or Board Chair that a report has been made, or is about to be made.



**Step 5:**

Following a report, it is important to protect confidentiality and the interests of the child and immediate family at all times.

**Special comments:**

- DHHS will only interview the member if he/she is agreeable;
- the immediate family will not be contacted until it is believed there is a case and the member is at risk;
- if the incident which caused the report to be made has occurred in the past - the member may be seen to be no longer at risk and no further action may be taken;
- the identity of the person making a notification will be kept confidential (except when that information is required in a court case) unless that person gives permission for the information to be divulged. Such confidentiality should also be requested by the CEO and any other person who may become aware that a notification is to be, or has been, given;
- throughout the entire process of observation, discussion and reporting, the interests of the member and their immediate family should be protected from unnecessary disclosure of information concerning abuse; and
- following the making of a report to the DHHS, any investigation that takes place is the responsibility of DHHS.