

Child Safety and Protection Policy and Procedure

1 Purpose and Scope

To ensure that AIE learners under eighteen (18) are supported and safe. The scope of this policy applies to all fulltime, part-time and casual staff working at AIE.

2 The Policy

Academy of Interactive Entertainment (AIE) is committed to child safety.

All learners under eighteen (18) years of age who are supported by AIE have a right to feel and be safe. AIE supports and respects all children. AIE is committed to the safety, participation and empowerment of all children.

AIE promotes diversity and tolerance; people from all walks of life and cultural backgrounds are welcome.

In particular AIE:

- a. Promotes the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander People children
- b. Promotes the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds
- c. Ensures that children with a disability are safe and can participate equally.

AIE has zero tolerance of child abuse. All allegations and safety concerns will be treated very seriously and in line with AIE's robust policies and procedures. AIE has legal and moral obligations to contact authorities when it has concerns for a child's safety.

AIE is committed to preventing child abuse, identifying risks, and removing them.

2.1 Legislative Framework

As AIE provides services nationally it has implemented a Child Safe framework aligned to national legislative requirements including, but not limited to:

- a. Children and Young People Act 2008 (ACT)
- b. Child Protection (Working with Children) Act 2012 (NSW)
- c. Care and Protection of Children Act 2014 (NT)
- d. Commission for Children and Young People and Child Guardian Act 2000 (QLD)
- e. Children's Protection Act 1993 (SA)
- f. Working with Children Act 2005 (VIC)
- g. Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (VIC)
- h. Registration to Work with Vulnerable People Act 2013 (TAS); and
- i. Working with Children (Criminal Record Checking) Act 2004 (WA).

AIE is committed to establishing and maintaining child safe environments and has designed its services with a particular focus on the Child Safe Standards (VIC).

As a child safe organisation, AIE:

- a. Has a visible culture of child safety that is part of everyday practice;
- b. Has strong leadership driving a culture of child safety
- c. Has the safety of children as its prime consideration
- d. Has well-articulated policies and procedures to implement its child safe approach
- e. Actively encourages participation, empowerment and serves to protect children
- f. Has actively considered risks of abuse within the organisation
- g. Engages with children to create a child safe environment and empowers children to speak up if something is wrong; and
- h. Has inclusive approaches for children with a disability, Aboriginal and Torres Strait Islander People children and children from culturally and/or linguistically diverse backgrounds.

2.2 Child Abuse

Reporting child abuse is a community-wide responsibility. Child abuse includes any act committed against a child involving:

- a. Physical violence
- b. Sexual offences
- c. Serious emotional or psychological abuse; and
- d. Serious neglect.

All AIE personnel are required to report to police if they know or reasonably believe that a sexual offence has been committed by an adult against a child under the age of 16. It is a criminal offence (failure to disclose) to fail to comply with this obligation across jurisdictions.

2.2.1 What Is a 'Reasonable Belief'?

A 'reasonable belief' is not the same as having proof. 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 when:

- a. A child states that they have been sexually abused;
- b. A child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- c. Someone who knows a child states that the child has been sexually abused
- d. Observations of the child's behaviour or development leads to a belief that the child has been
- e. Sexually abused; or
- f. Signs of sexual abuse lead to a belief that the child has been sexually abused.

A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

If a person 16 years or older provided AIE with the information and they do not have an intellectual disability and they do not want the information reported to the police, an individual is then not required to report to police.

AIE will not tolerate incidents of child abuse. All personnel understand their obligation to notify relevant authorities as soon as practicable if they have a reasonable suspicion that a minor has been, or is being, abused or neglected by a member of their family or any other individual:

- a. Australian Capital Territory Child Protection Line – 1300 556 728
- b. New South Wales Child Protection Line - 13 21 11
- c. Northern Territory Child Protection Line – 1800 700 250
- d. Queensland Child Safety Line - 1800 177 135
- e. South Australia Child Abuse Report Line - 13 14 78
- f. Tasmania Child Protection Line – 1300 737 639
- g. Victoria Child Protection Crisis Line – 13 12 78
- h. Western Australia Child Protection Line – 13 14 44

3 Implementation

The CEO is responsible for the approval of this policy after it has been drafted or reviewed by the AIE Compliance and Quality Assurance Manager.

All Heads of School are responsible for the implementation of this policy.

This policy is to be implemented via induction and training of staff and distribution via the AIE Intranet and other publications as required.

3.1 Child Safety Officer

AIE appoints a Child Safety Officer at each campus to provide a single point of contact for children, parents and personnel to seek advice and support regarding the safety and wellbeing of children.

The Child Safety Officer is the Head of School or Deputy Head of School at each campus.

3.2 Training and Supervision

AIE's culture aims for all individuals to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns.

AIE has specific policies, procedures and training in place that support its leadership team and personnel to achieve these commitments. AIE supports personnel through ongoing supervision to ensure they understand the organisation's commitment to child safety and that everyone has a role to play in protecting children from abuse, as well as checking that their behaviour towards children is safe and appropriate.

3.3 Working with Children Checks

All AIE personnel are required to undertake a Working with Children Check. See Appendix 1 for state and territory requirements.

4 Procedure/s

4.1 Allegations, Concerns and Complaints

AIE takes all allegations of child abuse seriously and has practices in place to respond quickly. Personnel are trained to deal appropriately with allegations and inform the police.

AIE displays information informing children, families and personnel what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour. All staff have a responsibility to report an allegation of abuse if they have a reasonable belief that an incident took place. See 2.2 for a definition of reasonable belief and Appendix 2 for Critical Actions.

4.2 Fair Procedures for Personnel

The safety and wellbeing of children is AIE's primary concern. AIE is also fair and just to personnel. The decisions made by AIE when recruiting, assessing incidents, and undertaking disciplinary action will always be thorough, transparent and evidence based.

AIE records all allegations of abuse and safety concerns using its incident reporting form, including investigation updates. All records are securely stored.

If an allegation of abuse or a safety concern is raised AIE provides updates to children and families on progress and any actions taken.

4.3 Privacy

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be personnel, parents or children, unless there is a risk to an individual's safety. AIE has safeguards and practices in place to ensure any personal information is protected.

4.4 If a Child Discloses an Incident of Abuse

- a. Try and separate them from the other children discreetly and listen to them carefully.
- b. Let the child use their own words to explain what has occurred.
- c. Reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing.
- d. Explain to them that this information may need to be shared with others, such as with their parent/carer, specific people in your organisation, or the police.
- e. Do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
- f. Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
- g. Provide them with an incident report form to complete, or complete it together, if you think the child is able to do this.
- h. As soon as possible after the disclosure, record the information using the child's words and report the disclosure to the Child Safety Officer and AIE management as well as police or child protection as relevant.
- i. Ensure the disclosure is recorded accurately, and that the record is stored securely.

4.5 If a Parent/Carer Says Their Child Has Been Abused or Raises a Concern

- a. Explain that AIE has processes to ensure all abuse allegations are taken very seriously.
- b. Ask about the wellbeing of the child.
- c. Allow the parent/carer to talk through the incident in their own words.
- d. Advise the parent/carer that you will take notes during the discussion to capture all details.
- e. Explain to them the information may need to be repeated to authorities or others, such as the AIE management or Child Safety Officer, the police or child protection.

- f. Do not make promises at this early stage, except that you will do your best to keep the child safe.
- g. Provide them with an incident report form to complete or complete it together.
- h. Ask them what action they would like to take and advise them of what the immediate next steps will be.
- i. Ensure the report is recorded accurately, and that the record is stored securely.

Be aware that:

- a. Individuals from Aboriginal, culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse.
- b. Individuals with a disability may experience barriers disclosing an incident.

AIE staff need to be sensitive to these issues and meet individuals' needs where possible.

Personnel must follow the Critical Actions in Appendix 2 every time they become aware of a further instance of abuse or risk of abuse. This includes reporting new information to authorities.

If personnel believe that a child is not subject to abuse, but still hold significant concerns for their wellbeing they must still act.

Staff are to follow the Critical Actions at Appendix 2.

4.6 Additional Support: Mandatory Reporting

AIE management uses appropriate tools to inform decision making, such as the online Mandatory Reporter Guide, professional judgment or specialist advice, where there are concerns about risk of harm.

The mandatory reporter guide is available at: <https://reporter.childstory.nsw.gov.au/s/>

4.7 Code of Conduct

All AIE personnel are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children and are responsible for supporting the safety, participation, wellbeing and empowerment of children by:

- a. Adhering to AIE's child safe policy at all times / upholding AIE's commitment to child safety at all times.
- b. Taking all reasonable steps to protect children from abuse.
- c. Listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another child.
- d. Promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander People children.
- e. Promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds.
- f. Promoting the safety, participation and empowerment of children with a disability.
- g. Ensuring as far as practicable that adults are not left alone with a child.
- h. Reporting any allegations of child abuse to the Child Safety Officer and AIE management and ensure any allegation to reported to the police or child protection.
- i. Reporting any child safety concerns to the Child Safety Officer and AIE Management.

- j. If an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe.
- k. Encouraging children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them.

Personnel must not:

- a. Develop any 'special' relationships with children that could be seen as favouritism.
- b. Exhibit behaviours with children which may be construed as unnecessarily physical.
- c. Put children at risk of abuse.
- d. Do things of a personal nature that a child can do for themselves.
- e. Engage in open discussions of a mature or adult nature in the presence of children.
- f. Use inappropriate language in the presence of children.
- g. Express personal views on cultures, race or sexuality in the presence of children.
- h. Discriminate against any child, including because of culture, race, ethnicity or disability.
- i. Have organised contact with a child or their family outside of AIE without AIE's child safety officer's knowledge and/or consent.
- j. Have any inappropriate online contact with a child or their family.
- k. Ignore or disregard any suspected or disclosed child abuse.

By observing these standards all personnel acknowledge individual responsibility to immediately report any breach of this code to the Child Safety Officer and AIE management.

4.8 Risk management

AIE ensures the protection of children when a risk is identified. In addition to general occupational health and safety risks, AIE proactively manages risks of abuse to children.

AIE has risk management strategies in place to identify, assess, and take steps to minimise child abuse risks, which include risks posed by physical environments and online environments.

5 Definitions

Child

The definition of a child varies depending on the State or Territory.

Child - Australian Capital Territory

Section 11 of the Children and Young People Act 2008 (ACT) defines a child as a person who is under 12 years old. Section 13 defines a young person as a person who is 12 years old or older, but not yet an adult. The Children and Young People Act 2008 (ACT) refers to the Legislation Act 2001 that defines an adult as a person who is at least 18 years old.

Child - New South Wales

Section 3 of the Children and Young Persons (Care and Protection) Act 1998 (NSW) defines child as a person who is under the age of 16 years.

Child - Northern Territory

Section 13 of the Care and Protection of Children Act 2007 (NT) defines a child as a person less than 18 years of age, or a person apparently less than 18 years of age if the person's age cannot be proved.

Child - Queensland

Section 8 of the Child Protection Act 1999 (Qld) defines a child as an individual under 18 years.

Child - South Australia

Section 16 of the Children and Young People (Safety) Act 2017 (SA) defines a child or young person as a person who is under 18 years of age.

Child - Tasmania

Section 3(1) of the Children, Young Persons and Their Families Act 1997 (Tas.) defines a child as a person under 18 years of age.

Child - Victoria

Section 3 of the Children, Youth and Families Act 2005 (Vic.) defines a child as:

'(a) in the case of a person who is alleged to have committed an offence, a person who at the time of the alleged commission of the offence was under the age of 18 years but of or about the age of 10 years but does not include any person who is of or above the age of 19 years when a proceeding for the offence is commenced in the Court; and

(b) in any other case, a person who is under the age of 17 years or, if a protection order, a child protection order within the meaning of Schedule 1 or an interim order within the meaning of that Schedule continues in force in respect of him or her, a person who is under the age of 18 years'

6 Related documents

The following internal documents are related to this policy:

- a. Complaints and Appeal Policy and Procedure
- b. Complaints and Appeals Checklist
- c. Learner Handbook (see complaints, problems and queries)

The following legislation and standards are related to this document:

- a. Children and Young People Act 2008 (ACT)
- b. Child Protection (Working with Children) Act 2012 (NSW)
- c. Care and Protection of Children Act 2014 (NT)
- d. Commission for Children and Young People and Child Guardian Act 2000 (QLD)
- e. Children's Protection Act 1993 (SA)
- f. Working with Children Act 2005 (VIC)
- g. Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (VIC)
- h. Registration to Work with Vulnerable People Act 2013 (TAS); and
- i. Working with Children (Criminal Record Checking) Act 2004 (WA).

7 Review

AIE reviews this policy regularly and following any significant incidents if they occur.

Where possible AIE does its best to work with families, children, local Aboriginal and Torres Strait Islander People communities, culturally and/or linguistically diverse communities and people with a disability.

8 Revision History

| Approval Authority | Prepared/revised by | Revision | Change | Date Approved/updated |
|--------------------|--|-------------------------------------|--------------------------|-----------------------|
| CEO | Linda Burrows | <input type="checkbox"/> | <input type="checkbox"/> | 19 June 2019 |
| | Academic Management group | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 28 November 2019 |
| | Nick Markesinis (updated style and structure) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13 April 2021 |

Appendix A: State and Territory Requirements

The following state jurisdictional checks apply to AIE personnel providing services in these jurisdictions. Personnel must have completed and provided an appropriate check prior to commencing employment or engagement.

It is the responsibility of each individual to register for and obtain the required check(s). Potential personnel with adverse findings in these checks undertaken at the time of recruitment will not be employed within a learner service role.

| | |
|-------------------------------------|--|
| Australian Capital Territory | All personnel providing services in the Australian Capital Territory must undertake registration with the Statutory Screening Unit in line with the Children and Young People Act 2008 (ACT). Checks are valid for three years. https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804/kw/working%20with%20children%20check&#!tabs-1 |
| New South Wales | All personnel providing services in New South Wales must undertake screening in accordance with the requirements of the Child Protection (Working with Children) Act 2012 (NSW). Checks are valid for five years. http://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-withchildren-check |
| Northern Territory | All personnel providing services in Northern Territory must undertake a Working with Children Check known as a 'Clearance Notice' as per the Care and Protection of Children Act 2014 (NT). Checks are valid for two years. https://nt.gov.au/emergency/community-safety/apply-for-a-working-with-children-clearance |
| Queensland | All personnel providing services in Queensland must obtain a Suitability Card or blue card in accordance with the requirements of the Commission for Children and Young People and Child Guardian Act 2000 (QLD). Checks are valid for two years. http://www.bluecard.qld.gov.au/ |
| South Australia | All personnel providing services in South Australia must undertake screening in accordance with the requirements of the Children's Protection Act 1993 (SA). Checks are valid for three years. http://screening.dcsi.sa.gov.au/ |
| Tasmania | All personnel providing services in Tasmania must undertake screening in accordance with the requirements of the Registration to Work with Vulnerable People Act 2013 (TAS). Checks are valid for three years. http://www.justice.tas.gov.au/working_with_children |
| Victoria | All personnel providing services in Victoria must undertake a Victorian "Working with Children" check as a component of the recruitment process, in line with the Working with Children Act 2005 (VIC). Checks are valid for five years. http://www.workingwithchildren.vic.gov.au/ |
| Western Australia | All personnel providing services in Western Australia must undertake a Working with Children Check by the Working with Children Screening Unit of the Western Australian Department of Community Development in accordance with the Working with Children (Criminal Record Checking) Act 2004 (WA). Checks are valid for three years. https://workingwithchildren.wa.gov.au/ |

Appendix B: Critical Actions

YOU MUST TAKE ACTION

Personnel play a critical role in protecting children in our care.

You must act, by following the Four Critical Actions below, as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.

You must act if you form a suspicion/reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).

You must use an incident reporting form to keep clear and comprehensive notes.

ACTION 1: Responding to an emergency

If there is no risk of immediate harm go to ACTION 2.

If a child is at immediate risk of harm you must ensure their safety by:

- a. Separating alleged victims and others involved.
- b. Administering first aid.
- c. Calling 000 for urgent medical and/or police assistance to respond to immediate health or safety concerns.
- d. Campus child safety officer to report incident to CEO and liaise with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

Action 2: Reporting to authorities

As soon as immediate health and safety concerns are addressed you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

You must report all instances of suspected child abuse or suspected sexual abuse (including grooming) to Police.

You must also report internally to the Child Safety Officer and AIE management.

If the source of suspected abuse is from within the family or community, you must report the suspected abuse to the relevant Child Protection Authority in the State or Territory jurisdiction.

This includes if a child is considered to be:

- a. In need of protection from child abuse
- b. At risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

Action 3: Contacting parents/carers

The Child Safety Officer and AIE management must consult with Child Protection and/or the relevant state/territory Police to determine what information can be shared with parents/carers. They may advise:

- a. Not to contact the parents/carers (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parents/carers to be contacted); or

- b. To contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).

Action 4: Providing ongoing support

AIE must provide support for children impacted by abuse. This includes the development of a Learner Support Plan developed in consultation with wellbeing professional and/or counselling staff.

Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and/or counselling staff.



Name/Role/Contact of Witness

1. _____

2. _____

Follow-Up Action

Signed: _____

Date: __/__/____

Once complete, submit this form to the CEO and Child Safety Officer (Head of School / Deputy Head of School).