

Child Safety and Protection Policy and Procedure

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1. Purpose and Scope

This policy outlines how AIE learners under the age of 18 are supported and kept safe in accordance with Australia's state and federal child protection legislation.

The scope of this policy applies to all AIE employees, as well as all contractors and other stakeholders engaged with AIE.

2. The Policy

The Academy of Interactive Entertainment (AIE) is committed to child safety. All learners under 18 years of age have a right to feel and be safe at AIE and in their personal life.

AIE has the safety of children as a prime consideration, promotes diversity and tolerance and actively works to remove educational barriers for children. In particular, AIE:

- a. Promotes the safety, participation, and empowerment of:
 - I. Children with a disability
 - II. Aboriginal and Torres Strait Islander People children
 - III. Children that identify as LGBTQIA+
 - IV. Children that are unable to live at home
 - V. Children from a disadvantaged background; and
 - VI. Children from culturally and/or linguistically diverse backgrounds.
- b. Promotes a culture of child safety that is part of everyday practice
- c. Actively considers at-risk children, child harm and abuse within the organisation
- d. Engages with children to create a child safe environment and empowers children to speak up if something is wrong.

AIE does not tolerate harm to children or child abuse and takes steps to identify children who are at-risk. All allegations and safety concerns are investigated and referred to the relevant authorities. AIE has a duty of care to protect children from harm and abuse and to contact authorities when it has concerns for a child's safety.

All AIE personnel are required to report to police if they know or reasonably believe that a child under the age of 18 (or 16 in NSW) has been subject to harm, abuse or is at-risk. It is a criminal offence (failure to disclose) to fail to comply with this obligation across jurisdictions.

2.1. Threshold of '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 harmed, abused or that they are at-risk.
- b. A child states that they know someone who has been harmed, abused or is at-risk (sometimes the child may be talking about themselves)
- c. Someone who knows a child states that the child has been harmed, abused or is at-risk; or

- d. Observations of the child’s behaviour, development or injuries leads to a belief that the child has been harmed, abused or is at-risk.

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

2.2. Child Harm or Abuse

Child harm or abuse includes any act committed against a child involving: physical violence, sexual offences, emotional or psychological abuse, and neglect.

2.3. ‘At-Risk’ Children

‘At-risk’ specifies indicators of impending or ongoing child harm or abuse. These are:

- a. The child or young person has suffered harm.
- b. There is a likelihood that the child or young person will suffer harm.
- c. There is a likelihood that the child or young person will be removed from the state (by any individual) for an unlawful act or procedure to be undertaken, in particular:
 - I. Being subjected to medical procedures
 - II. Marriage (however described)
 - III. Participation in criminal activity.
- d. The parents or guardian of the child or young person are unable or unwilling to care for them.
- e. The child or young person is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence.

In assessing whether there is a likelihood that a child or young person will suffer harm, consider the **current** and **historical** circumstances of their care and the likely cumulative effect on the child or young person of their historical circumstances.

3. Implementation

Party	Responsibility
Board of Directors:	Approval of policy.
EMC:	Drafting and review of policy and related documents.
Managers:	Disseminating child protection procedures to their staff.
All Staff	Adhering to all procedures of this policy.
Intranet Content Coordinator:	Uploading new version to the AIE intranet.
Senior Web Developer:	Uploading new version to the AIE website.

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. Child Safe Training

Managers can allocate training towards child safety within their Professional Development in accordance to the Professional Development Policy and Procedure.

3.2.1. South Australia Mandatory Training

In SA, mandated reporters are AIE personnel who:

- a. Provide services directly to children or young people
- b. Hold a management position, the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children or young people.

A mandated reporter must report or notify the Child Abuse Report Line (13 14 78) if they hold a reasonable belief that a child or young person is, or may be, at-risk of harm. The report must be made as soon as is practical after forming the suspicion.

Mandatory notification training in SA is called RRHAN-EC and the type of training required depends on your role. Further details may be obtained from the SA Government's [RRHAN-EC web page](#).

3.3. Working with Children Checks

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

4. Procedure/s

4.1. Allegations, Concerns and Complaints

AIE provides information informing children, families and personnel what to do and who to tell if they identify an at-risk child, observe harm or abuse, are a victim, and if they notice inappropriate behaviour. All staff have a responsibility to report an allegation of harm, abuse or at-risk children, if they have a reasonable belief that an incident took place. See Section 2.1 for a definition of reasonable belief and Appendix B for Critical Actions.

4.2. Mandatory Reporting

AIE considers all staff Mandatory Reporters regardless of jurisdiction and expects all staff to act as one. However, by legal definition only **trainers and managers in South Australia are Mandatory Reporters**.

All staff must report all forms of at-risk children, child harm or abuse, as defined in Sections 2.2 & 2.3, including staff becoming aware of and failing to report instances of at-risk children, child harm or abuse. Therefore, all employees must immediately report all concerns of at-risk children, child harm or abuse if they form a reasonable belief (as defined in Section 2.1).

AIE staff are encouraged to use tools to inform decision making, such as online mandatory reporter guides or specialist advice where there are concerns about risk of harm.

Mandatory reporter guides are available at:

Jurisdiction	URL
ACT	https://www.communityservices.act.gov.au/ocyfs/keeping-children-and-young-people-safe
NSW	https://reporter.childstory.nsw.gov.au/s/
SA	https://www.childprotection.sa.gov.au/reporting-child-abuse/mandated-notifiers-and-their-role
Vic	https://providers.dffh.vic.gov.au/mandatory-reporting

4.3. Reporting Contact Details

Below is a list of the contacts for mandatory (and other) reporting.

Contacts	Phone
Australian Capital Territory Child Protection Line:	1300 556 728
New South Wales Child Protection Line:	13 21 11
Northern Territory Child Protection Line:	1800 700 250
Queensland Child Safety Line:	1800 177 135
South Australia Child Abuse Report Line:	13 14 78
Tasmania Child Protection Line:	1300 737 639
Victoria Child Protection Crisis Line:	13 12 78
Western Australia Child Protection Line:	13 14 44

4.4. Investigation Procedures

All incidents will be brought to the attention of AIE management who will form a team according to the *Safety, Emergency and Critical Incident Policy* which will typically comprise of the campus' Child Safety Officer, CEO and Compliance Officer. This team will assess and investigate all alleged breaches of AIE policy and ensure the investigation is conducted in a culturally safe manner. They will then make recommendations based on their assessments and investigations.

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 assessing incidents, and undertaking disciplinary action will always be thorough, transparent and evidence based.

AIE records all allegations of at-risk children, child harm, abuse and safety concerns using its *Incident Immediate Notification Form* and provides updates through the *Incident Investigation Report Form*. All records are securely stored according to *Information and Records Management Policy and Procedure*.

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

4.5. Privacy

All personal information relating to any stakeholders as part of child safety will be treated in accordance with *Learner Privacy Policy and Procedure*.

4.6. Child Complaints

Typically, young people do not provide complaints in a formal manner, they may not be in writing, and they can even be implicit or hidden behind a question or seemingly general reflection. Any concern raised by a child should be treated as a potential complaint and acted upon.

See Response procedure 4.7.3 for the youth focused complaints procedure.

4.7. Response Procedures

If personnel believe that a child is not subject to abuse, harm or at-risk, but still hold significant concerns for their wellbeing they must still act. It is not the personnel's responsibility to make a judgement about the truth of a complaint or concern relating to children at-risk, child harm or abuse.

Be aware that children, in particular, frequently face types of barriers in reporting allegations of abuse or other incidents, such as:

Barrier Type	Description
Attitudinal barriers:	Children from various cultural groups or backgrounds face discrimination in every aspect of their lives. Children with disabilities also face barriers to being treated with respect or being taken seriously. Other groups such as adolescents face various stigmas within society.
Physical and geographic barriers:	Physical barriers can prevent access for students with disabilities. Geographic distance to support systems can be another major barrier, especially for children who have limited access to transportation.
Communication barriers:	Children with sensory implants who need alternative methods of communication to read, hear, see, and communicate. Lack of access to internet can also server to exclude children from poor families from social participation and information. Language can be a barrier for migrant and refugee children also.
Economic barriers	The costs of time and travel to access facilities can also disproportionately serve to exclude children from the poorest communities.

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

Personnel must follow the Critical Actions in Appendix B every time they become aware of a further instance of harm or abuse, or they identify a child could be at-risk. This includes reporting new information to authorities.

4.7.1. If a Child Discloses an Incident of Harm, Abuse, or an Indicator of Being At-Risk

- 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. Do not state or imply that it is their responsibility to inform these individuals.
- e. Do not make promises to the child such as promising not to tell anyone about the incident or indicator, 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 Immediate Notification 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 police or child protection as relevant, as well as the Child Safety Officer and AIE management.
- i. Ensure the disclosure is recorded accurately, and that the record is stored securely.

4.7.2. If a Parent/Carer Says Their Child has Been Harmed, Abused or May be At-Risk

- 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 or indicators 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 Immediate Notification Form* to complete or complete it together.
- h. If the allegation provides reasonable belief, then the report will be made to the Child Abuse Report Line.
- i. Ask them what action they would like to take and advise them of what the immediate next steps will be.
- j. Ensure the report is recorded accurately, and that the record is stored securely.

4.7.3. If a Child Raises a Concern or Complaint

- a. Let the child use their own words to voice their concerns.
- b. Actively listen to the child and treat them with dignity, pay close attention to what they are saying.
- c. Confirm to the child your understanding of what they are saying and ask to follow up questions. Do not trivialise the child's situation and views.
- d. Ask what action the child would like to be taken to resolve their concern and/or any issues identified by the child.
- e. If this process reveals possible harm, abuse or that the child may be at-risk then immediately follow the steps within 4.7.1
- f. If the complaint can be resolved informally it should be done so.
 - l. If this complaint is regarding a recurring issue, follow the formal complaints procedure.

- g. If the complaint requires following the formal complaint procedure:
 - I. Inform the child that they can make the complaint verbally to the Child Safety Officer if they feel more comfortable. This can be done via face-to-face, videoconference or phone call, in order of preference.
 - II. Inform the child that they may be accompanied by a support person of their choosing for all discussions related to the complaint.
- h. Provide them with access to the [Complaints and Appeals Form](#) to complete or complete it together.

4.8. Code of Conduct

The *Employee Conduct Policy and Procedure* contains standards of behaviour expected by all AIE staff, with specific requirements related to an employee's duty to protect children from harm, abuse and being at-risk.

All personnel have an individual responsibility to immediately report any breach of this code to the Child Safety Officer and AIE management. AIE personnel found to breach this *Child Safety and Protection Policy and Procedure* may be issued with a warning or may face dismissal.

4.9. Risk Management

Risks are managed per the Risk Management Framework. AIE conducts regular risk safety assessments and have risk management plans in place to address the risk of child harm or abuse, and to identify children at-risk at AIE. Known risks are managed in accordance with the Risk Management Framework with Child Safety as a specific category of risk.

4.9.1. Risk Identification

As additional risks arise and are identified, AIE personnel are required to complete and send a [Risk Identification Form](#) to the risk owner as defined by the Risk Management Framework.

4.10. Records Management

All child safety/ code of conduct policy documents provided to AIE are stored in the **BF: VETiS/VETDSS Teams site**.

All records are retained according to AIE's *Information and Records Management Policy and Procedure*.

5. Definitions

The following definitions apply to this policy:

Term	Definition
Child	The definition of a child varies depending on the State or Territory.
Child Abuse/ Child Harm	Physical violence, sexual offences, emotional or psychological abuse, and neglect of a child.
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 Child Wellbeing and Safety Act 2005 (Vic) defines a child as a child or young person who is under the age of 18 years;
Child - Western Australia	Part 1 of the Children and Community Services Act 2004 (WA) defines a child as a person who is under 18 years of ages, and in the absence of positive evidence as to age, means a person who is apparently under 18 years of age;
Mandatory Reporting	A requirement by law or by AIE policy that employees must report all cases of child harm or abuse, or the risk of such, if they reasonably believe such a situation has existed, currently exists, or will exist.
Reasonable Belief	A reasonable belief is formed if a reasonable person in the same position would have formed the belief on the same grounds.

6. Related documents

The following internal documents are related to this policy:

- a. Domestic Students Complaints and Appeals Policy and Procedure
- b. Learner Complaints and Appeals Checklist
- c. Induction Policy and Procedure
- d. Information and Records Management Policy and Procedure
- e. Learner Handbook (see complaints, problems and queries)
- f. Professional Development Policy and Procedure
- g. Staff Recruitment and Selection Policy and Procedure

- h. Risk Management Framework
- i. Safety, Emergency and Critical Incident Policy
- j. Employee Conduct Policy and Procedure

The following legislation and standards are related to this document:

- a. [Children and Young People Act 2008 \(ACT\)](#)
- b. [Children and Young Persons \(Care and Protection\) Act 1998 \(NSW\)](#)
- c. [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#)
- d. [Care and Protection of Children Act 2007 \(NT\)](#)
- e. [Commission for Children and Young People and Child Guardian Act 2000 \(QLD\)](#)
- f. [Children and Young People \(Safety\) Act 2017 \(SA\)](#)
- g. [Child Safety \(Prohibited Persons\) Act 2016 \(SA\)](#)
- h. [Worker Screening Act 2020 \(VIC\)](#)
- i. [Ministerial Order No. 1359 \(Child Safe Standards\) \(VIC\)](#)
- j. [Child Wellbeing and Safety Act 2005 \(VIC\)](#)
- k. [Registration to Work with Vulnerable People Act 2013 \(TAS\)](#); and
- l. [Working with Children \(Criminal Record Checking\) Act 2004 \(WA\)](#).

7. Review

This policy will be reviewed every 2 years by the Executive Management Committee and following any significant incidents if they occur.

8. Revision History

This policy has undergone the following revisions:

Version No.	Version Description	Contributor(s)	Approval Authority	Date Revised/ Approved
1.0	First version of document.	Linda Burrows (National Compliance Officer)	CEO	19 June 2019
2.0	Major revision of document content.	Academic Management Committee	CEO	28 November 2019
2.1	Style and structure updated.	Nick Markesinis (Intranet Content Coordinator)	-	13 April 2021
2.2	Inclusion of Victorian Safe Standards requirements. Update to scope of document to include complaints procedures, risk management and South Australian mandatory reporter requirements.	Daniel De Margheriti (Executive Director) Elise Clinton (National VETiS/VETDSS Coordinator)	EMC	13 March 2023
3.0	Updates to change language to better meet South Australian legal requirements and moving staff code of conduct requirements to <i>Employee Conduct Policy and Procedure</i> .	Daniel De Margheriti (Executive Director) Ann-Maree Davies (Head of School, Adelaide)	EMC	20 July 2023
3.1	Full approval by BOD with minor amendments.	David De Margheriti (Chief Operating Officer)	BOD	31 July 2023

Appendix A: State and Territory Requirements

The following state and territory 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) and provide a copy of it to Human Resources (hr@aie.edu.au). 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. https://ocg.nsw.gov.au/working-children-check
Northern Territory	All personnel providing services in Northern Territory must undertake a Working with Children Check know 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/child-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 Child Safety (Prohibited Persons) Act 2016 (SA). Checks are valid for five years. http://screening.dcsi.sa.gov.au/ A Child Safe Environment Compliance Statement must be submitted with the Department of Education which requires to be updated every time a review or changes are made.
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. https://www.cbos.tas.gov.au/topics/licensing-and-registration/work-with-vulnerable-people
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 Worker Screening Act 2020 (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:**

- a. 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 harmed or abused.
- b. Act if you form a suspicion/reasonable belief, even if you are unsure and have not directly observed child harm or abuse (e.g., if the victim or another person tells you about the abuse).
- c. 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/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 harm or abuse as soon as possible. Failure to report physical and sexual child harm or abuse may amount to a criminal offence.

You must report all instances of suspected ongoing or intended child harm or abuse, particularly 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 harm or 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.