

## Child Safety Policy

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### 1.0 Policy Statement

To demonstrate *Bendigo Kangan Institute's (BKI)* culture of child safety according to the *Child Safe Standards*, herein referred to as *the Standards*, per the Child Wellbeing and Safety Act 2005, for further information, see [here](#). From **1 July 2022** the new Standards will be in effect, incorporating these into practice, see [here](#) for further.

### 2.0 Purpose

To ensure children experience the fundamental human right to be protected from all forms of child abuse, primarily by;

- Respecting and empowering children.
- Ensuring a safe physical and online environment.
- Valuing diversity and unique identities.
- Continuous improvement practices.

### 3.0 Scope

This policy applies to all adults who are employees, volunteers, students, service providers and contractors. It also concerns those who primarily care for children under 18 of whom they bring onto BKI premises or learning sites. We actively encourage the philosophy that it is every adult's moral responsibility to keep children safe. A child is under the age of 18 as defined by the *Commission for Children and Young People (CCYP)*.

### 4.0 References

- Child Wellbeing and Safety Act 2005
- Commission for Children and Young People Act 2012
- Crimes Act 1958
- Children, Youth and Families Act 2005
- Charter of Human Rights and Responsibilities Act 2006
- Occupational Health and Safety Act 2004
- Disability Discrimination Act 1992
- Equal Opportunity Act 2010
- Education for Overseas Students Act 2000
- National Code for Providers of Education Services and Training to Overseas Students 2018
- Worker Screening Act 2020
- Privacy and Data Protection Act 2014
- Education and Training Reform Act 2006

### 5.0 Principles

BKI is committed to promoting a Child Safe Culture and the Standards by:

#### 5.1 *Commitment to Child Safety*

## Child Safety Policy

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BKI is a child-safe organisation. We are committed to providing a safe learning environment, and opportunities for children and young people to participate in education and to empower all children under 18 years of age. Consequently, it is essential - and a requirement under the law - that all employees know their responsibilities in identifying and reporting child abuse risks. BKI have a zero-tolerance policy towards child abuse. All allegations and safety concerns will be addressed under the appropriate criminal, civil and disciplinary sanctions.

### 5.2 *Duty of Care*

BKI recognises that it owes students a duty of care to take reasonable measures to protect them from injury risks that are reasonably foreseen. BKI recognises it must ensure learning facilities, campuses, and online environments have been designed with safety at the forefront of its design process. BKI promotes child safety through identifying potential risks and applying mitigations to reduce or eliminate these as documented in the *Child Safe Standards Risk Assessments*.

BKI provides an Indigenous Education Centre, Koori Support Officers and mentors, cultural programs and celebrations for example to support the safety, wellbeing, participation and inclusion of Indigenous children and young people, see [here](#) for further.

BKI provides International Student Officers, Child Safety Officers, Student Counsellors, Disability Liaison Officers, Accessibility Support Officers, and Youth Workers to promote children and young people's safety, wellbeing, participation and inclusion. Supports; regional [here](#), metropolitan [here](#).

### 5.3 *Empowering Children*

Students are active participants' and central to processes that keep them safe. Children are empowered to make decisions for themselves within the *mature minor* [criterion](#).

The BKI Child Safety Reference Group meet quarterly with student representatives providing input to improve practice and raise awareness. The Child Safety Officer and Student Counselling teams provide orientation sessions detailing supports, how to report concerns, rights and responsibilities. Supports and contacts are available online, in student handbooks, and displayed on campuses. Students are provided opportunities to give feedback and through regular survey research. This feedback is valued and incorporated into practice where possible.

### 5.4 *Governance and Leadership*

BKI recognises all levels of leadership are responsible for child safety, ensuring escalation frameworks are followed, concerns are taken seriously and responded to appropriately. The CEO, Board, and relevant committees are provided updates on child safety trends and initiatives. Annual Reports accessible to the broader community, detail compliance activities. Regular messaging occurs via internal publications, and continuous improvement through regular reviews, informing action plans to further enhance child safety practices and ensuring these reflected as required.

### 5.5 *Communication with Parents and Carers*

BKI recognises that regular communication with parent(s) or carer(s) of students under 18, concerning wellbeing, needs, attendance, and learning progress, promotes safety. In VETIS, communication with the student's secondary college, the main education provider, occurs in

## Child Safety Policy

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addition, as required. A parent or carer is required to inform BKI of student absences. If students do not attend classes for four weeks due to unexplained absence they risk being withdrawn from the course. The Department of Education is notified of the student withdrawal when the student is under 17 per requirements. BKI is committed to providing relevant information to parents, carers and the wider community, welcoming and valuing feedback.

### **5.6 Ensuring People Safe to Work with Children**

BKI takes all reasonable steps to employ skilled and safe people to work with children. Selection criteria and advertisements demonstrate our commitment to child safety and an awareness of responsibilities. All employees engaged will be subject to employment suitability checks as outlined in the *Recruitment Policy and Procedure*. All BKI employees and volunteers (regardless of role performed), and contractors performing child-related work must hold and provide evidence of the relevant valid Working with Children Clearance (WWCC) obtained [here](#). In line with the BKI *Working with Children Procedure per Department of Justice and Community Safety* and Worker Screening Act 2020 requirements.

### **5.7 Child Safety Code of Conduct**

As BKI employees, volunteers and contractors, we are responsible for supporting and promoting the safety of children by engaging in appropriate behaviours when working with children and young people. This list is mirrored in the *Employee Code of Conduct* and is not exhaustive.

*Appropriate behaviours when working with children and young people:*

- Upholding the Institute's statement of commitment to child safety and child safety policy at all times.
- Treating students and families in the community with respect, equity and fairness both within the institute environment and outside the institute environment as part of normal social and community activities.
- Listening and responding to the views and concerns of students, particularly if they are telling you that they or another child has been abused or that they are worried about their safety/the safety of another child.
- Promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander students.
- Promoting the cultural safety, participation and empowerment of students with culturally and/or linguistically diverse backgrounds.
- Promoting the safety, participation and empowerment of students with a disability
- Promoting the safety, participation and empowerment of students of diverse sex and gender identities and sexual orientations.
- Reporting any allegations of child abuse or other child safety concerns to the institute's child safety officer.
- Understanding and complying with all reporting or disclosure obligations (including mandatory reporting) as they relate to protecting children from harm or abuse.
- If child abuse is suspected, ensuring as quickly as possible that the student(s) are safe and protected from harm.

## Child Safety Policy

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- Observing professional boundaries with children at all times, including when interacting with children from the Institute and outside of BKI.

### *Unacceptable behaviours when working with children and young people:*

- Condone or participate in any behaviour with a child that is illegal, unsafe or abusive.
- Ignore or disregard any concerns, suspicions or disclosures of child abuse.
- Use hurtful, discriminatory, racist, or offensive behaviour or language with a child.
- Develop a relationship with any student that could be seen as favouritism or amount to 'grooming' behaviour (for example, offering gifts or special treatment).
- Exhibit behaviours or engage in activities with students which may be interpreted as abusive and not justified by the educational, therapeutic, or service delivery context.
- Engage in any unnecessary physical contact with a child unless in the context of the learning environment.
- Ignore behaviours by other adults towards students when they appear to be overly familiar or inappropriate.
- Discuss content of an intimate nature or use sexual innuendo with students, except where it occurs relevantly in the context of parental guidance, delivering the education curriculum or a therapeutic setting.
- Treat a child unfavourably because of their disability, age, sex, gender identity, race, culture, vulnerability, sexuality or ethnicity.
- Communicate directly with a student through personal or private contact channels (including by social media, email, instant messaging, texting etc.) except where that communication is reasonable in all the circumstances, related to school work or extra-curricular activities or where there is a safety concern or other urgent matter.
- Photograph or video a child in an institutional environment except per institute policy or where required for duty of care purposes.
- Use any computer, mobile phone or other digital devices to exploit or harass a child or in any way access inappropriate material or content related to children.

*Student Code of Conduct Policy and Procedure* is followed for student misconduct. For employees or volunteers *Employee Code of Conduct* and relevant investigation, disciplinary processes followed.

### **5.8 Training and Reporting Child Safety Concerns**

BKI provides training and resources to employees, volunteers, contractors and service providers. This training includes identifying and reporting child abuse risks through appropriate channels, such as reporting to authorities; Department of Families, Fairness and Housing (DFFH) Child Protection and Victoria Police where appropriate.

The Child Safety Officer or secondary contacts are BKI's point of contact for managing concerns relating to any form of suspected child abuse and assisting those making a report.

Refer the [Four Critical Actions for VET and Higher Education Providers](#) *Responding to Incidents, Disclosures and Suspicions of Child Abuse*, displayed at each campus, and the [Child Safe Toolkit](#).

### **5.9 Complying with Legal Obligations**

## Child Safety Policy

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BKI takes seriously reporting and privacy obligations when storing and [sharing information](#). In certain instances, not reporting or acting to protect a child, could result in an offence:

- **Mandatory Reporting:** Children, Youth and Families Act 2005 requires *mandatory reporters*, as listed section 182; i.e. teachers, counsellors, wellbeing and welfare workers, must when, in the course of practising their profession or carrying out duties of their office, position or employment, they form a *reasonable belief* a child is *in need of protection* from physical or sexual abuse make a mandatory report to DFFH Child Protection, even if the principal, or equivalent, does not share their belief. Mandatory reporters have to report to DFFH Child Protection as soon as practicable after forming a *reasonable belief* and make a report each time they become aware of any further reasonable grounds for the belief. The penalty for failing to make mandatory report is 10 penalty points. See [here](#) for further and definitions table below.
- **Failure to Disclose:** The Crimes Act 1958 requires all persons aged 18 or above (including students) in Victoria, who have a reasonable belief that a person aged 18 or above has committed a sexual offence against a child under the age of 16, must report that information to Victoria Police unless the person has a reasonable excuse for not doing so. This offence can carry a penalty of up to 3 years' imprisonment. See [here](#) for further.
- **Failure to Protect:** The Crimes Act 1958 requires those in positions of authority to act, this could be Managers, having capacity to reduce or eliminate substantial risk of a sexual abuse to a child under the age of 16 (under their care, supervision or authority) committed by a person aged 18 or above associated with the organisation. This offence can carry a penalty of up to 5 years; imprisonment. See [here](#) for further.
- **Failure to Report:** The Child Wellbeing and Safety Act 2005 requires the nominated head of an organisation, for BKI this is the Chief Executive Officer (CEO), on becoming aware of Reportable Conduct within 3 business days ensure report made to the CCYP and conduct of a criminal nature reported to Victoria Police. Within 30 calendar days provide CCYP with the investigation outcome, or update. The penalty for failing to notify CCYP of Reportable Conduct is 10 penalty points. See [here](#) for further.

### 5.10 Safety of Children Visitors

The safety of all children visiting BKI learning sites or workplaces is paramount. BKI recognises there are times where a student or employee must bring a child into the workplace or classroom due to unexpected difficulties in standard childcare arrangements and for programs specifically designed for children to attend. Children brought onto any BKI campus, or learning site, must be under the direct supervision and care of their accompanying parent or carer at all times.

The request should be made in advance to the relevant Lead Educator for students or manager for employees. Lead Educators seek approval from the appropriate Education Director, and where possible remote learning or working from home is preferred. Advice should be sought from People, Culture and Strategy as required. There are instances when requests cannot be granted to comply with occupational health and safety requirements. Hazard and risk identification and reporting are

## Child Safety Policy

the responsibility of all employees and students per the Occupational Health and Safety Act 2004 and program managers are responsible for ensuring both employees and students are aware of their responsibilities.

### 5.11 Feedback and Complaints

Where an employee or student feels they have a grievance they may proceed per the relevant complaints or grievance policy and procedure. Any person can provide feedback to BKI via the following; regional [here](#), metropolitan [here](#). Complaints are taken seriously, and responded to promptly and thoroughly per the Feedback Policy (Compliments and Complaints) and Feedback Procedure.

## 6.0 Roles and Responsibilities

Role	Responsibilities
Chief Executive Officer	Oversee a culture of child safety, the Standards and Reportable Conduct Scheme.
Chief Industry Engagement Education Delivery Officer	Ensure a culture of child safety and the Standards, oversee and ensure reflected in practice within engagement and delivery programs.
All Executive and Education Directors	Ensure a culture of child safety and the Standards, oversee safety in respective programs, determine student application to bring their child(ren) to BKI campus or learning sites.
Education Managers	Promote a culture of child safety and the Standards, ensure the safety of students and employees and they are aware of OH&S responsibilities.
Chief Experience and Growth Officer	Ensure a culture of child safety and the Standards, oversea and ensure reflected in practice within teams, report on child safety trends and initiatives to relevant committees.
Head of Student Services	Ensure a culture of child safety and the Standards, oversee the management and support the Child Safety and Student Support functions, report on child safety trends and initiatives to relevant committees.
Team Leaders Student Support	Promote a culture of child safety and the Standards, lead the Child Safety Officer and Student Support functions. Manage secure record keeping systems.
Child Safety Officer	Promote a culture of child safety and the Standards, point of contact for concerns regarding child abuse, report on child safety trends and initiatives to Team Leaders.
Chief People, Culture and Strategy Officer	Ensure a culture of child safety and the Standards, oversee Recruitment screening and ongoing monitoring of employees, volunteers and contractor suitability, and provision and monitoring of employee training.
Head of Health Safety and Wellbeing	Ensure a culture of child safety and the Standards, ensure implementation of the <i>Health, Safety and Wellbeing Policy</i> , incident reporting investigative frameworks.
Line Managers	Promote a culture of child safety and the Standards, ensure employees are aware of responsibilities and complete regular child safety training.
All Employees Volunteers	Promote a culture of child safety and the Standards, comply with this policy and associated procedures and participate in regular training on child safety.

## Child Safety Policy

### 7.0 Definitions

Word/Term	Definition
BKI	Bendigo Kangan Institute, includes all Bendigo TAFE and Kangan Institute Campuses and learning sites; approved third party premises.
Child Safe Standards (the Standards)	The Standards are mandatory and formulated per Royal Commission recommendations, for further see <a href="#">here</a> and more recently reviewed see <a href="#">here</a> for further.
Commission for Children and Young People	The CCYP is an independent statutory body that oversees and enforces compliance with the Standards and Reportable Conduct Scheme.
Reportable Conduct Scheme	Reportable Conduct Scheme ensures people who are not safe to work with children do not continue to work with children.
Working with Children Clearance	The Victorian Government introduced a new checking system to help protect children from harm. Creating a mandatory minimum WWCC standard across Victoria overseen by Department of Justice and Community Safety.
Mandatory Reporters	The following are mandatory reporters in Victoria: <ul style="list-style-type: none"> <li>• registered medical practitioners, nurses/ midwives</li> <li>• registered teachers, and those granted permission to teach.</li> <li>• early childhood teachers and workers</li> <li>• school principals or equivalent such as Education Managers/Directors</li> <li>• school counsellors, youth wellbeing and welfare workers</li> <li>• police officers</li> <li>• out of home care workers (excluding voluntary foster, kinship carers)</li> <li>• youth justice workers</li> <li>• registered psychologists</li> <li>• people in religious ministry.</li> </ul>
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, formed when: <ul style="list-style-type: none"> <li>• A child states that they have been abused.</li> <li>• A child states that they know someone who has been abused (sometimes the child may be talking about themselves).</li> <li>• Someone who knows a child states that the child has been abused.</li> <li>• Professional observations of the child's behaviour or development leads a mandated professional to form the belief.</li> <li>• Signs or indicators of abuse leads to a belief the child has been abused or at risk of abuse.</li> </ul>
Child in Need of Protection	Any person may make a report if they believe on reasonable grounds that a child is in need of protection for any of the following reasons: <ul style="list-style-type: none"> <li>• The child has been abandoned and there is no other suitable person who is willing and able to care for the child.</li> <li>• The child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.</li> <li>• The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child.</li> <li>• The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child.</li> </ul>

## Child Safety Policy

	<ul style="list-style-type: none"> <li>The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child.</li> <li>The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.</li> </ul>
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### 8.0 Supporting Policies and Forms

Policy or Form name
Bendigo TAFE and Kangan Institute Child Safety Information Booklet
Bendigo TAFE and Kangan Institute Student Handbooks
Child Safe Standards Risk Assessments
Child Safety Procedure
Code Student Conduct Policy and Procedure
Crisis Management Plan
Emergency Response Procedures Manuals for each campus
Employee Code of Conduct Policy
Excursion Policy
Feedback Policy (Compliments and Complaints) and Feedback Procedure
Four Critical Actions for VET and Higher Education Providers
Governance and Leadership Reporting Schedule
International Students Critical Incident Policy
Information Technology Usage Policy
Privacy and Freedom of Information Policy
Recruitment Policy and Procedure
Student Critical Incident Procedure
Student First Aid Procedure
Student Practical Placement Procedures and Practical Placement Agreements (PPA)
Student Retention and Success Policy
Student Welfare and Accessibility Policy
Supplier Code of Conduct Policy
VCAL Policy, Procedure and Handbook
Working with Children Procedure

### 9.0 Version Control and Change History

## Child Safety Policy

Ver.	Approved By	Approval Date	Issue Date	Description of Change	Next Scheduled Review Date	Document Owner
1.0	CEO	07/11/2016	07/11/2016	New policy	04/02/2020	Executive Director Learner Experience
2.0	Board of Studies	DD/M/2019	DD/M/2019	Updated	DD/M/2019	Chief Academic Officer
2.1	Board of Studies	28/08/2019	28/08/2019	Updating as per VRQA registration requirements	01/03/2023	Chief Executive Officer
2.2	Board of Studies	05/02/2020	06/02/2020	Updating to include appropriate and inappropriate behaviours around children as well as requirement for all BKI employees to hold WWCC	01/03/2023	Chief Executive Officer
2.3	CEGO	19/08/2021	20/08/2021	Updating legislation, related policies, definitions, children of students or workers, escalation framework, coinciding executive restructure	01/09/2022	Chief Experience and Growth Officer

### 10.0 BKI Policy and Procedure Portal

Category	Key Words
Policy	Child Safety