

Policy: SP20 Child Safety and Well-being Policy

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| Drafted by: Vicki Jacobs and Jillian warren | | |
| Date of last review December 2025 | Approved by Picabeen Management Committee | Date Approved: |
| Date of next review (Every 2 years): December 2027 | | |

| Policy context: This policy relates to: | |
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| <p><u>HSQF</u></p> <p>Service Provision Standard 4: Safety, Wellbeing and Rights and the National Principles for Child Safe Organisations.</p> <p>4.1 The organisation provides services in a manner that upholds people’s human and legal rights.</p> <p>4.2 The organisation proactively prevents, identifies and responds to risks to the safety and wellbeing of people using services.</p> <p>4.3 The organisation has processes for reporting and responding to potential or actual harm, abuse and/or neglect that may occur for people using services.</p> | <p><u>Legislation</u></p> <p>Child Protection Act 1999</p> <p>Criminal Code 1899</p> <p>Working with Children (Risk Management and Screening) Act 2000</p> <p>Working with Children (Risk Management and Screening) Regulation 2020</p> <p>National Principles for Child Safe Organisations</p> <p>United Nations Convention on the Rights of the child</p> |

1. Purpose:

The purpose of this policy is to:

- Clearly demonstrate Picabeen Community Centre’s commitment to the safety, wellbeing, and rights of all children and young people accessing our programs and activities.
- Provide a framework to ensure that Picabeen Community Association Incorporated (Picabeen) fulfils its 'duty of care' to prevent and respond to harm.

Outline the processes and procedures that align with the 10 National Principles for Child Safe Organisations and relevant Queensland legislation.

2. Scope:

This policy applies to all staff, volunteers, members of the Management Committee, students on placement and contractors.

This policy applies to any programs or activities delivered by or under the auspices of Picabeen whether those activities occur at the Centre premises or elsewhere.

3. Policy Statement: Our Commitment to a Child-Safe Culture

Picabeen's staff, members of the Management Committee volunteers and students on placement acknowledge the vulnerability of children and are committed to creating a 'child-safe' organisation as outlined by the Australian Government's 10 principles of Child Safe Organisations (reference below) where children and young people feel safe and protected, are free to speak out, are listened to and are respected.

This commitment is underpinned by the principle that the best interests of the child/young person must always be a primary consideration.

All staff, volunteers, students and Management Committee members share responsibility for safeguarding children and young people from harm, including Aboriginal and Torres Strait Islander children, who may face additional or intersecting vulnerabilities. Picabeen is committed to promoting cultural safety by respecting and valuing Aboriginal and Torres Strait Islander cultures, perspectives, paradigms and world views, and ensuring these are reflected in practice, decision-making and responses to concerns or complaints.

3.1 Definitions

Child or Young Person. Any individual under 18 years of age. This is the standard legal definition for child protection and welfare purposes in Queensland and governs all procedures in this policy.

Child Protection. Any activity or initiative designed to protect children from any form of harm, particularly arising from child abuse or neglect.

Child Rights. Children have the 'right to life, survival and development' where development encompasses physical, emotional, cognitive, social and cultural development.

Child Sexual Offence. For the purpose of section 229BC of the Criminal Code, a child sexual offence is an offence of a sexual nature committed by an adult against a child, including indecent treatment of a child, carnal knowledge with or of a child, rape, incest, grooming a child (or their parent or carer), making child exploitation material, or maintaining a sexual relationship with a child.

Harm. Any form of physical, sexual, emotional or psychological abuse or neglect of children. This includes:

- Actual or Potential Abuse: Physical, sexual, emotional, or psychological abuse.

- Neglect: Persistent failure or deliberate denial of basic needs (food, shelter, supervision, care) to the extent that it places the child's health and development at risk.
- Exposure to Domestic Violence or other serious danger: Situations where the child witnesses or is exposed to violence or other conduct that causes or is likely to cause significant psychological or emotional trauma

Neglect. The persistent failure or the deliberate denial to provide a child with water, food, shelter, sanitation, supervision or care to the extent that places the child's health and development at risk.

Child Abuse. The abuse of children's rights, and includes all forms of physical, emotional and sexual abuse, domestic violence, neglect, commercial sexual exploitation, child trafficking and child labour.

Physical Abuse. When a person purposefully injures or threatens to injure a child. Examples include, but are not limited to, slapping, punching, shaking, kicking, burning, shoving or grabbing.

Sexual Abuse. When a child is used by another child, adolescent or adult, for his or her own sexual stimulation or gratification. This may involve contact or non-contact activities, including exposing children to pornographic images or taking pornographic photographs of children.

Emotional Abuse. A child's self-esteem is persistently attacked. Examples include, but are not limited to name-calling, threatening, ridiculing, intimidating or isolating the child.

Domestic Violence. The child witnesses, usually on a regular basis, verbal, physical, sexual or emotional violence within the household or family.

Proven. In relation to an allegation of abuse or harm against a staff member, volunteer, student on placement, or Centre user:

An allegation is considered 'Proven' when an external statutory body, such as the Queensland Police Service or the Department of Child Safety, has conducted an investigation and determined that the alleged act of abuse or harm did occur and is substantiated.

This determination relies on the findings of the external investigation and is not an internal finding made by Picabeen Community Association. The Association will act upon the formal determination provided by the appropriate external authority to enact the relevant policy consequences (e.g., dismissal, exclusion from premises).

4. Procedures:

4.1 Primary Responsibility and Supervision (Children Under 12)

Primary Responsibility:

Children under the age of 12 years are the primary responsibility of their parent, guardian, carer, or an accompanying nominated adult.

Ages 5 and Under:

Children must be supervised at all times and remain within eyesight of their parent/guardian/carer. The child is not to be left unsupervised in any of the areas at Picabeen Community Centre or at any programs or activities delivered by or under the auspices of the Association, regardless of where they are held.

Ages 8 to 12 (General Attendance):

For general Centre services and activities held at Picabeen, all children under the age of 12 years are the primary responsibility of their parent, guardian, or carer. The parent/guardian/carer must remain on the premises or ensure adequate supervision is in place, as outlined in Section 4.1.

Unaccompanied Children (Under 12):

If a child under the age of 12 years enters Picabeen Community Centre without the consent of an adult, all steps will be taken by staff, volunteers, students on placement, members of the Management Committee, contractors, to locate the parent, guardian or carer of the child. If a parent, guardian or carer cannot be located within a reasonable time, the Centre Manager or delegate must be informed. The Centre Manager or delegate will be responsible for contacting the appropriate authorities.

Youth Team Service Provision (for children aged under 12years):

The Youth Team must adhere to specific practice guidelines when engaging with children in this age bracket (8 to 11 years). Young people aged 8–11 years are only offered a service if one of the following conditions is met:

- A sibling aged 12 years or older is already receiving support from the Youth Team.
- The support is provided in the context of working holistically with the family.

Where possible, the Youth Team will work collaboratively with an Intensive Family Support (IFS) or Family Wellbeing (FWB) service to ensure the best outcome for children and their family under the age of 12 years.

Children who attend the premises (Picabeen Community Centre) or who participate in any programs or activities delivered by or under the auspices of the Association, regardless of where they are held, are the primary responsibility of their parent, guardian, carer or a person accompanying the child who has been nominated by the parent.

4.2 Responsibility for Young People between 12 and less than 18 years of Age

If a young person between the ages of 12 years and less than 18 years, not currently receiving a service from Picabeen, enters Picabeen Community Centre without a parent, guardian, carer or other person; front desk staff, volunteers or students on placement should refer the young

person to the Youth Team staff member or Centre Manager. The Centre Manager or delegate will be responsible for contacting the appropriate authorities.

4.3 When Working with Groups of Young People

When working with groups of four or more young people at the Centre, there must be at least one (1) staff member present plus one other staff member, volunteer, student on placement or associated contracted worker.

If the minimum staffing level cannot be maintained, the activity or program should be rescheduled.

4.4 Suspicion of Child Abuse or Neglect

If any staff member, volunteer or student on placement has reasonable grounds to suspect that a child has been abused or neglected and/or is at risk of future harm and this can be determined by:

- A child disclosing allegations of past or present abuse to a staff member, volunteer, student on placement, or any other person at Picabeen Community Centre.
- Another person, (parent, relative, friend, acquaintance or sibling of the child) disclosing allegations of abuse against a child or young person to a staff member, volunteer or student.
- A staff member, volunteer or student on placement's observation of a child's behaviour, general knowledge of the child's behaviour, or the child's previous or present living environment, leads to the suspicion that the child is at risk of present or future harm. Risk of present or future harm could include physical, emotional, or sexual abuse; witnessing violence/abuse in the home; or engaging in self-destructive behaviors' or being harmed in some way.

If there is suspected child abuse, neglect, or a future risk of harm to the child the following steps must be taken: -

- Staff, volunteers and students on placement must first raise and discuss the matter with the Centre Manager or delegate.
- If a volunteer or student is assisting the Youth Worker with any service delivery and the matter comes to their attention, they must report, in the first instance, to the Youth Worker if available. The Youth Worker must report to the Centre Manager or delegate. If the Centre Manager or delegate is not available, the matter should be reported to the Department of Child Safety via telephone or the online reporting tool.
- Staff, volunteers and students on placement raising the concern will document all their observations and concerns on the Child Protection Report Form (see below for location) and send to Centre Manager or delegate.
- The Centre Manager or delegate will investigate the concerns and assess the appropriate action to be taken.
- If there are reasonable grounds for suspicion of child abuse, family violence or neglect, and the Centre Manager or delegate deems that the information warrants a notification, the Centre Manager or delegate will authorize the appropriate staff member to contact the Department of Child Safety as above. From 5 July 2021, if there are reasonable grounds for suspicion that a child sexual offence is being committed or has been committed, an appropriate staff member will report this to

- the Queensland Police Service under Section 229BC of the Criminal Code (see decision making tool flowchart in the References and Appendices Section).
- At no time should staff members ask leading questions of the child or young person when abuse or neglect is suspected.
 - If a decision is made to make a notification to the Department of Child Safety or the Queensland Police Service, all efforts will be made to inform the parent, guardian, carer, providing it is in the best interests of the child to do so and it does not place the young person at risk of further harm (Refer to Policy SP9: Disclosure of Personal Information without Consent. Also refer to the Youth Support Services Practice Guide - locations below).

4.5 Suicidal Ideation or Intent: Young Person under 18 years

If a young person under 18 years of age discloses suicidal ideation or intention, staff members, volunteers or students on placement must assess the young person to determine if there is an imminent risk of harm or if the risk is manageable.

If there is an imminent risk of harm, staff must report to the Centre Manager or delegate as soon as practicable, and referrals to appropriate adults, healthcare professionals, or agencies must be made in accordance with duty of care principles. If a volunteer or student on placement is assisting the staff member with any service delivery and the matter comes to their attention they must report, in the first instance, to the staff member responsible who must then report to the Centre Manager or delegate. Refer to Policy SP9: Disclosing Personal Information without Consent, and the Youth Support Services Practice Guidelines

If the risk is manageable, a practical safety plan must be put in place to ensure that they have access to safety options and feel confident about implementing them. A safety plan needs to be doable and realistic in the circumstances in which the young person might find themselves (see location below for example safety plans).

Providing it is safe to do so, this information should be disclosed to a parent/carer or other appropriate adult who can ensure the young person's ongoing safety.

4.6 Gillick Competence and Confidentiality

Informed Consent: Young people under 18 may be able to give informed consent to receive a service without parental knowledge if they are deemed to have sufficient understanding and intellectual capacity (Gillick Competence).

- "Young people under 18 may be able to give informed consent on their own behalf to receive a service, even if a parent is not aware of the fact, if they are deemed to have sufficient understanding and intellectual capacity to enable them to fully understand what is proposed. This is commonly known as Gillick competency (NSW Law Reform Commission 2008, p.79; Bird 2011, p.159). Youth support workers should consider each matter individually and consult with more senior staff where the matter is a complex one" (Youth Support Practice Guide, 2016)

Gillick Competence is not designed to replace parent/guardian involvement in the care of a young person; however, it allows staff to act in the 'best interest' of the young person above a parental right to be informed.

Young people who are assessed as Gillick Competent have the right to privacy and confidentiality and to refuse parent/guardian involvement, unless there are reasonable grounds to involve a parent/guardian. (Refer to Policy SP3: Client's Privacy Policy and Policy SP14: Client's Confidentiality Policy).

4.7 Best Interest Principle:

The best interests of the child/young person must always be a primary consideration. Staff must assess the young person's welfare and safety when determining confidentiality. Should staff members determine that the child has maturity and understanding to maintain confidentiality (see Fraser Guidelines) then under the Convention on the Rights of the Child staff members may act in what they judge to be in the best interests of the child.

The best interests of the child/young person must always be a primary consideration for staff (including volunteers and students on placement) working with children and young people.

Staff members must ask: What is best for this child/young person, in this situation and at this time? Considerations might include:

- Physical health and safety.
- Mental health and safety.
- Emotional and relational wellbeing.
- Financial situation.
- Environmental situation.
- Other support systems that exist.

Staff should always listen to and hear the young person's views as well as taking into consideration the child's/young person's wishes about their situation and their right to participate in decisions that affect them.

Staff may recommend to young people that their parent/guardian be involved in the decision-making process, unless the young person has specifically requested otherwise. Staff will discuss confidentiality with the young person before involving parents/guardians.

Staff must consider and address the following questions when determining confidentiality:

- What are the reasons for this young person wanting to maintain confidentiality?
- If it is considered that it may be in the young person's best interests for their family to be involved, how can this be managed in a way which respects the young person's wishes?
- What may be required to fulfill a duty of care to the young person, and if this includes informing family members, how can this be done in a way which is inclusive and supportive of the young person?
- Can a way be found which safely involves both family and the young person, without breaching confidentiality (e.g., mediation or partial disclosure with consent)? (Information retrieved from Youth Support Practice Guide, 2016).

Involving Parents: While staff may recommend parent/guardian involvement, young people deemed Gillick Competent have the right to privacy and confidentiality and to

refuse parent/guardian involvement, unless there are reasonable grounds to involve a parent/guardian to fulfil a duty of care.

In general, decisions regarding advising parents or guardians about issues in relation to their young person should be resolved not as “rights” issues but as questions concerning the young person's welfare and safety.

5. Responding to Allegations

5.1 Suspicion of Child Abuse or Neglect

If any staff member, volunteer, or student on placement has reasonable grounds to suspect that a child has been abused or neglected, or is at risk of future harm (determined by disclosure, third-party report, or observation), the following steps must be taken:

Do not investigate/ask leading questions:

- Staff must not ask leading questions of the child.

Internal Reporting:

- The matter must be immediately raised and discussed with the Centre Manager or delegate. Volunteers/students assisting the Youth Team must report to the Youth Worker first, who then reports to the Centre Manager.

Documentation:

- The person raising the concern must document all observations and concerns on the Child Protection Report Form (see Related Documents).

External Reporting:

- If the Centre Manager or delegate determines the information warrants a notification:
- They will authorise the appropriate staff member to contact the Department of Child Safety (Mandatory Reporting).
- If there are reasonable grounds for suspicion of a Child Sexual Offence (under Section 229BC), an appropriate staff member will report this to the Queensland Police Service.

Informing Parents:

- All efforts will be made to inform the parent, guardian, or carer, providing it is in the best interests of the child to do so and it does not place the young person at risk of further harm.

5.2 Allegation/s of Abuse against a staff member, volunteer, student, management committee member or centre user to a child or young person under the age of 18

If there is an allegation of abuse by a staff member, volunteer, student, management committee member or centre user to a child or young person under the age of 18, the Centre Manager or delegate will:

- Document the allegation.
- Inform the Police, the Department of Child Safety (or equivalent statutory body), and the President of the Management Committee, who will take appropriate action.

- The alleged perpetrator will not be permitted to enter the Picabeen premises until completion of the external investigation.

5.4 Action Following a Proven Allegation

If the allegation of abuse against a staff, volunteer, or student on placement is proven (as defined in Section 3: Definitions)

- The person will be dismissed and permanently banned from all Picabeen premises and programs.

If the allegation against a Centre user is proven,

- The Centre user will be permanently excluded from entering the premises of Picabeen Community Centre and participating in any programs or activities delivered by or under the auspices of the Association. This action is necessary to uphold Picabeen's duty of care to all children and young people and maintain a child-safe environment.
- The Centre Manager or delegate will make a professional decision whether to continue providing support services (where safe to do so remotely) or not, subject to any legal restrictions. Referral options will be discussed and made available to the Centre user.

6. Risk Assessment and Safe Practice

Fulfilling a duty of care to young people to be alert to and to respond to their physical and mental health needs includes:

- conducting risk assessment at intake and as appropriate throughout contact with a young person
- being alert to signs of distress or harm
- responding appropriately, including immediate response where harm is imminent
- making referrals to specialist services such as medical services and following up to check that the young person is engaging with the service
- supporting the family to support the young person if possible and appropriate.
- For further risk management protocols, please refer to SP13 Child and Youth Risk Management Strategy.

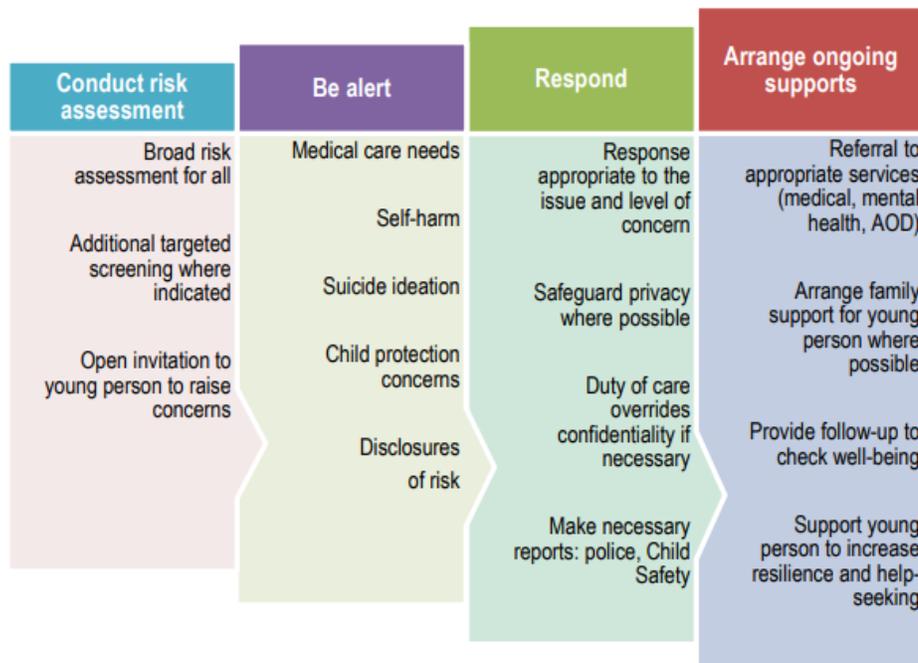


Figure 4: Risk assessment and response framework

(Taken from Queensland Government, Youth Support Guide, 2016).

Picabeen minimises risk through:

Personnel Screening:

- All new employees, volunteers, and students on placement must be the holder of a Positive Notice Blue Card (Working with Children Check).

Training and Induction:

- Personnel receive ongoing supervision and training on child safety and policy/procedure adherence.

Supervision Ratios:

- The Centre Manager sets maximum numbers for activities based on the nature of the activity, size of space, and staffing considerations.

Photographs:

- Staff must obtain parental consent for photos. Photos can only be stored on Picabeen's electronic network and devices. Individual capacity to consent for those under 18 must be assessed on a case-by-case basis.

- It is best practice for staff, volunteers and students on placement to obtain parental consent before photographs of children and/or young people are taken and used for promotional or advertising purposes. See Photographic Filming Consent Form (location below.) However, "the Privacy Act 1988 protects an individual's personal information regardless of their age. It doesn't specify an age after which an individual can make their own privacy decision. For their consent to be valid, an individual must have capacity to consent". (Office of the Australian Information Commissioner)
- An organisation or agency handling the personal information of an individual under the age of 18 must decide if the individual has the capacity to consent on a case-by-case basis. As a general rule, an individual under the age of 18 has the capacity to consent if they have the maturity to understand what is being proposed. If they lack maturity it may be appropriate for a parent or guardian to consent on their behalf.
- If it's not practical for an organisation or agency to assess the capacity of individuals on a case-by-case basis, as a general rule, an organisation or agency may assume an individual over the age of 15 has capacity, unless they're unsure." (YAC Victoria <https://www.yacvic.org.au/yerp/safety/consent-young-people/>)
- Staff, volunteers, and students on placement are to note that only images taken at Picabeen or whilst on Picabeen business can only be stored on Picabeen's electronic network and devices (i.e. computers, iPad, work laptops and work mobile phones).

Information Protection:

- Children's and young people's personal information must be securely stored. Refer to Policy SP15: Collecting, Recording and Storage of Client Information Policy.
- Maintaining Confidentiality and Privacy. Staff, volunteers and students on placement are reminded of their obligations in adhering to the principles of confidentiality and privacy (refer to SP3 Client's Privacy Policy, SP14 Confidentiality and Privacy policy and SP9 Disclosure of Personal Information without Consent Policy).

6.1 Complaints and concerns

Picabeen Community Association Inc. is committed to responding promptly, respectfully and confidentially to all child safety concerns and complaints. Children, families, clients and community members have the right to raise concerns or make complaints about any aspect of our services, including the conduct of staff, volunteers or students, decisions made by the service, or activities and events, without fear of retribution.

All concerns and complaints may be made verbally or in writing, including anonymously, and are managed in accordance with the Client Complaints Policy (SP10). Complaints are documented, securely stored, and reviewed by the Centre Coordinator or, where appropriate, the Management Committee, with clear timeframes for response and options for internal and external review. Information about complaints processes, including access

to support people, interpreters and external avenues, is provided to ensure child safety, fairness and continuous service improvement.

7. Related Documents

| Picabeen policies related to this policy: | |
|--------------------------------------------------|---------------------------------------------------------------------|
| SP3 | Client's Privacy Policy |
| SP9 | Disclosure of Personal Information without Consent Policy |
| SP14 | Confidentiality and Privacy Policy |
| SP15 | Collecting, Recording and Storage of Client Information Policy |
| HRM6 | Grievance and Dispute Resolution Policy |
| HRM12 | Code of Conduct Policy |
| GM008 | Risk Management Policy |
| GM020_youth friendly | Child Safety and Wellbeing Policy, child and youth friendly version |
| SP13 | Child and Youth Risk Management Strategy |
| SP10 | Client's Complaints Policy -child friendly |

REFERENCES AND APPENDICES

| Reference Name | Location on P:drive: [p://...] or web address |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Code of Conduct Agreement Form | (P)/ADMINISTRATION/FORMS/Code%20of%20Conduct/Code%20of%20Conduct%20Agreement%20Form.pdf |
| Child Protection Report Form | (P)\ADMINISTRATION\FORMS\Child Protection report form |
| Confidentiality Agreement Form | |
| Photographic Consent Agreement Form | (P)\ADMINISTRATION\FORMS\CLIENT and CONSENT FORMS\Photo Consent Form\Photographic Filming Consent Form - All.doc |
| Youth Activities Consent Form | (P)\ADMINISTRATION\FORMS\CLIENT and CONSENT FORMS\Youth Activities\Youth Activities Consent Form.doc |
| Incident Report Form | (P)\ADMINISTRATION\FORMS\INCIDENT FORM\Incident form TEMPLATE.docx |

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|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Safety plans | (P)\YOUTH TEAM\FORMS and TEMPLATES\Safety Plans |
| Decision Making Tool Flowchart | (P)\YOUTH TEAM\Child Sexual Offences Reform info |
| Youth Support Services Practice Guidelines | https://www.dcssds.qld.gov.au/about-us/our-department/partners/youth |
| Child Protection Act | https://www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010 |
| Blue Card | https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/regulated-industries-and-licensing/blue-card-services |
| Youth Support Services Practice Guideline | chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.dcssds.qld.gov.au/__data/assets/pdf_file/0010/5023/youth-support-practice-guide.pdf |
| Queensland Government (2021). Failing to report sexual offences against children. (Section 229BC Criminal Code Act 1899) | https://www.qld.gov.au/law/crime-and-police/types-of-crime/sexual-offences-against-children/failure-to-report |
| Department Of Child Safety via telephone or the online reporting tool | https://www.cyjma.qld.gov.au/protecting-children/reporting-child-abuse HYPERLINK "https://www.cyjma.qld.gov.au/protecting-children/reporting-child-abuse" |
| Child Safe Organisations, National Principles. | chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://childsafe.humanrights.gov.au/sites/default/files/2019-02/National_Principles_for_Child_Safe_Organisations2019.pdf |
| Working with Children (Risk Management and Screening) Regulation 2020 | https://www.legislation.qld.gov.au/view/html/asmade/si-2020-0131 |
| United Nations Convention on the Rights of the child | https://www.unicef.org.au/united-nations-convention-on-the-rights-of-the-child |
| Working with Children (Risk Management and Screening) Act 2000 | https://www.legislation.qld.gov.au/view/html/inforce/current/act-2000-060 |
| The Fraser Guidelines | https://www.themedicportal.com/blog/gillick-competence-and-fraser-guidelines/ |
| Office of the Australian Information Commissioner (OAIC) | https://www.oaic.gov.au/privacy/your-privacy-rights/more-privacy-rights/children-and-young-people |
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