



*everyone's family*

# Child Protection Framework: Safeguarding Children and Other Vulnerable People from Abuse and Neglect

Version 3

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# 1 Framework overview

## 1.1 Scope and purpose

This Framework outlines our commitment, roles and responsibilities and management strategies for safeguarding children and other vulnerable people from abuse and neglect. The Framework applies to all employees and volunteers and has implications for our supporters, partners and external third-party providers. It takes into account state and territory child protection legislation.

The Framework relates to children and young people under the age of 18 years. We also consider the guidance it provides when we work with students and others aged 18 years and over. Although child protection legislation does not apply to adults, our commitment to rights, safety and protection extends to anyone who may be experiencing vulnerability: all children, young people, tertiary students and other adults within our programs and activities.

The Framework comprises:

- our *commitment to safeguard children and young people from abuse and neglect*: to always act in their best interests; provide safe environments; and take action to protect them from harm (Section 1.2)
- *roles and responsibilities* of the Board, Executive and each business area; managers; Child Safety Contact Persons; all team members; and supporters, partners and external third party providers (Section 2)
- *strategies* for providing safe environments, encompassing our risk management approach; engagement with children, young people and families; recruitment, induction and other learning and development; supervision; safeguarding adult students and other adults with whom we work; digital programs and activities; communications, marketing, media and events; and research and evaluation (Section 3)
- *actions to protect* children and others at risk of harm, including reporting and managing child protection concerns and complaints (Section 4)
- *definitions* of key terms used throughout the Framework (Section 5)
- *related documents* (Section 6).

Tools and resources to support implementation are available on our internal SmithNet 'All about child protection' page.

## 1.2 Our commitment to safeguard children and young people from abuse and neglect

The Smith Family is working for a better future for young Australians in need by providing long-term support for their participation in education. Every person associated with the delivery of The Smith Family's mission has a role to play in fulfilling our commitment to safeguard children and young people: all directors, employees, volunteers, supporters, partners and third party providers must comply with our Framework as it relates to their role. We are committed, in all that we do, to safeguard children and young people from abuse and neglect and to promote child rights, safety and protection.

To enact this commitment we will work with families and communities to always:

- act in the best interests of children and young people
- provide safe environments for children and young people
- take action to protect children and young people from abuse and neglect.

### Act in the best interests of children and young people

We will always act with the best interests of children and young people as our primary consideration. This is consistent with Article 3 of the, [United Nations Convention on the Rights of the Child](#), which Australia ratified in 1990.

### Provide safe environments for children and young people

We take seriously our responsibility to always provide safe environments for the children and young people participating in our programs and activities. We work with communities to ensure we are culturally respectful and inclusive. We have adopted and continue to monitor our compliance with the [National Principles for Child Safe Organisations](#):

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes to respond to complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.

### Take action to protect children and young people from abuse and neglect

We will always take action to protect children and young people from physical abuse, emotional abuse, sexual abuse, neglect, and witnessing family and other violence.

We record all child protection concerns; actions taken to address these concerns; the outcome of these actions; and referral to any ongoing family and team member support in our confidential online Child Safety Alert system.

### 1.3 Enacting our commitment to safeguard children and young people

As part of our commitment to safeguard children and young people:

- All new team members (employees and volunteers) must fulfil child protection recruitment and induction requirements
- All ongoing employees and volunteers must be familiar with and apply the Framework in all direct contact with children and young people (any form of physical contact, oral communication - face to face, by telephone and online - and written communication including electronic communication) and all indirect contact (via their personal and sensitive information)
- We introduce *Learning for Life* families to the Framework when we begin working with them, and refer them at least annually to our *Information for Families about Child Safety and Protection*
- We inform our adult students about our commitment to safety and protection, and act accordingly in our dealings with them
- We inform supporters and partners about the requirements within our Framework and incorporate this into our partnership agreements and activities (where appropriate)
- We include information about the Framework in our tender documents and service agreements and require all contractors, consultants, interns and other providers to comply with child protection requirements (where appropriate)

All policy, strategy and risk management documents and all programs, procedures and activities should be consistent with the Framework.

Some Smith Family policies have particular relevance to child protection. These include:

- **Record Management Policy**  
This Policy provides overarching guidance as to how records should be securely handled, retained and destroyed. Compliance with the policy supports our obligations as a 'child safe' organisation in relation to child safety and protection records.
- **Privacy and Confidentiality**  
The Smith Family is committed to protecting the privacy and confidentiality of our students, families, supporters and other partners. Our Privacy Framework is designed to ensure we meet this commitment and comply with our obligations under privacy law, and child protection legislation, when handling the personal information of students and their families.

The Smith Family has joined the National Redress Scheme. This means any person who was sexually abused as a child while in our care can apply to the Scheme for redress.

Section 6: *Related documents* lists and links to other key documents, while acknowledging that all Smith Family documentation must be consistent with this Framework.

### 1.4 Quality assurance – monitoring, reporting and accountability

As part of the organisation's planning and review processes, every team and business area documents and reports on indicators and targets related to the Principles for Child Safe Organisations (Section 0). We also report on management of our Child Safety Alerts and survey team members regarding priority child protection activity.

### 1.5 Accessing this policy and supporting materials and resources

This Child Protection Framework is available on our website: [thesmithfamily.com.au](https://thesmithfamily.com.au).

Our internal SmithNet 'All about child protection' page provides current, relevant information and learning resources for all team members including the link to our confidential internal Child Safety Alert system and child protection documentation.

## 2 Roles and responsibilities

### 2.1 Board

The Board is responsible for ensuring that policies and procedures are in place to:

- provide a safe environment for children and young people in all programs and activities
- facilitate effective reporting of and responses to child protection concerns and complaints
- make the best interests of children and young people our primary consideration
- facilitate identification and management of risks, to minimise harm to individuals and the organisation.

### 2.2 Executive and business areas

The Executive is responsible for the overall management and quality assurance of policies and procedures designed to safeguard children and young people and others at risk of harm from abuse and neglect. To this end, the Executive:

- provides this overarching Framework
- provides oversight of implementation of the Framework via an Executive Child Protection Group supports the National Child Safety Group (Section 2.4)
- provides leadership in building and maintaining a child safe culture, recognising that:
  - children and young people are potentially vulnerable to harm and have differing needs
  - respectful engagement with children, young people, families and communities builds trust and contributes to the safety, wellbeing and protection of children, young people and others experiencing vulnerabilities
  - employees and volunteers need information, education, training, updates and support to ensure they maintain the safety and wellbeing of children and young people, and act at all times with the best interests of children and young people as their primary consideration
  - some employees and volunteers will have been personally affected by abuse and neglect, or may be distressed when managing a concern or complaint, and need access to employee assistance
- oversees and supports operational procedures that meet legal requirements and reflect best evidence
- identifies and manages new and emerging risks in accordance with the guidance in this Framework
- responds to recommendations arising from concerns expressed, alerts and reports lodged, and investigations of allegations or complaints
- monitors the effective implementation of the Framework, including compliance with the [National Principles for Child Safe Organisations](#).

Executive team members ensure that each business area fulfils its lead responsibilities, to maintain whole-of-organisation compliance with this Framework.

- People and Culture provides the policies and procedures related to employee and volunteer recruitment, screening, appointment and learning and development. This business area takes the lead in communicating Code of Conduct expectations and the consequences of non-compliance.
- Policy and Programs assesses and manages child safety and protection risks in developing and disseminating national policies and programs.
- State and Territory Operations has lead responsibility for implementing this Framework in all state and territory activities. General Managers and Child Safety Contact Persons provide leadership in making sure child safety, wellbeing and protection are incorporated, in accordance with this Framework, into operational planning, implementation, risk management and reporting.

- Communications and Media Relations takes the lead in ensuring all communications comply with this Framework, and that informed consent for media activities is properly managed as it relates to children, young people and families.
- Strategy, Philanthropy and Events assesses and manages child safety and protection risks in strategic and philanthropic partnerships and relationships, and in event management policy and procedures, ensuring the interests of children and young people are always positioned as the primary concern.
- Marketing and Supporter Relationship Management takes the lead in applying policies and procedures, to ensure that marketing activities and supporter relationship management always positions the interests of children and young people as the primary concern. This business area creates safe, supportive environments for communications between students, families and supporters.
- Business Management (Finance and Business Information Systems) manages risks relating to business processes and systems, in accordance with the requirements of this Framework. This includes overseeing policies and procedures for managing data and personal and sensitive information contained within accounting and information management systems.
- Research and Advocacy ensures that our research and advocacy policies and procedures comply with this Framework. This includes engaging with children and young people, always acting in their best interests and always complying with informed consent requirements for research initiatives.

## 2.3 Managers

All managers must:

- be fully conversant with this Framework
- ensure all team member (employee and volunteer) recruitment, screening and induction is completed in accordance with this Framework (Section 3)
- ensure all team member placements (appointment and ongoing) comply with this Framework
- ensure team members complete any required ongoing learning and development (Section 3)
- ensure team members supporters, partners and external third-party providers understand and comply with the Framework and act on any new or different child safety obligations when they change roles (for example, if a sponsor volunteers in the Program and Scholarship Administration Team, they must not access data regarding the sponsored child)
- respond quickly and sensitively, and within the provisions of this Framework, if abuse or neglect is suspected or alleged (Section 4)
- report any concerns or allegations regarding the safety and wellbeing of children and young people and others at risk of harm as a matter of urgent priority, and in accordance with legal requirements and the processes outlined in this Framework (Section 4)
- manage, during an investigation, the work parameters of any team member about whom a concern or complaint has been identified
- manage any local requirements arising from reports and investigations
- oversee a post-reporting review, to see what can be learned to inform management of future child safety and wellbeing matters. This may include debriefing and coaching if required and consideration of support needs of impacted team members.

Issues related to safeguarding children, young people and others at risk from abuse and neglect can be very confronting. Some people may feel uncomfortable after reading these documents, participating in training, or being involved in responses to complaints, allegations and disclosures. They may wish to discuss this with a professional. Managers must ensure that team members have access to relevant support services, which may include a discussion with the manager; support from a health practitioner; access to The Smith Family's employment counselling service; or referral to an outside agency.



## 2.4 Child Safety Contact Persons and the National Child Safety Group

### 2.4.1 National Child Safety Contact Person

The National Child Safety Contact Person:

- is nominated by the Chief Executive
- works with team champions to promote child safety and wellbeing across national programs and activities
- approves any exception to this policy (for example, by allowing an abridged second reference in the appointment process of a volunteer from a Smith Family strategic partner)
- supports National Office employees and volunteers submitting and managing a Child Safety Alert and reporting to child protection authorities.

The Head of Policy and Programs has responsibility for overseeing our interactions with and responses to the National Redress Scheme.

### 2.4.2 Regional Child Safety Contact Person

The Regional Child Safety Contact Person:

- is the Senior Regional Manager working most closely with programs that engage children and young people (this may be the Regional Programs Manager or Community Development Manager)
- leads the regional promotion of child safety and wellbeing, including by engaging children, young people and families in decision-making processes
- sources information and expertise – such as regional child protection legislation, training and requirements – to ensure the organisation and teams can fulfil our obligations under this Framework
- supports regional employees, volunteers and supporters when they are submitting and managing a Child Safety Alert and reporting to child protection authorities.

If a Regional Child Safety Contact Person is not available, the General Manager is responsible for ensuring that the functions of this role can be fulfilled.

### 2.4.3 National Child Safety Group

The National Child Safety Group comprises the National and Regional Child Safety Contact Persons.

The group works collaboratively as a community of practice, and with others – such as the Aboriginal and Torres Strait Islander Community of Practice – as needed. Together, the group members inform and support national and regional plans to ensure compliance with the organisation's legal obligations and this Framework. The group:

- promotes and supports the safety and wellbeing of children and young people across the organisation
- supports a risk management approach
- facilitates the engagement of children, young people and families in decisions that affect them
- oversees compliance with the Framework, including professional development requirements
- reports at least quarterly and annually on child protection matters and implementation of the Framework
- coordinates the implementation of recommendations in response to reports and incidents
- ensures any significant, relevant issues and changes are communicated with stakeholders
- reviews queries, comments or concerns raised by team members working with children, families and external parties on any aspect of The Smith Family's approach to safeguarding children, young people and others at risk of harm. This can include activities outside the scope of the members' management responsibility, such as negotiating partnerships or agreements so they explicitly include our commitment to child safety, wellbeing and protection. All team members (employees and volunteers)



## 2.5 All team members (employees and volunteers)

Whilst this section has addressed particular roles and responsibilities in connection with implementing our framework, it is important that all team members acknowledge and understand that safeguarding children and young people from abuse and neglect and promoting child rights, safety and protection is a shared commitment across the organisation and everyone has a role to play in fulfilling this commitment. All team members – employees and volunteers – must comply with The Smith Family's Code of Conduct, which requires compliance with this Framework. Any breach of the Framework's requirements will be managed in accordance with disciplinary procedures associated with the Code of Conduct.

All team members must:

- act in accordance with our Commitment to Safeguard Child and Young People (Section 1.2)
- follow child safety and protection risk management plans (Section 3.1)
- endeavour to engage children and young people, in developmentally appropriate ways, in the decisions that affect them (Section 3.2)
- undergo required recruitment and screening processes (Section 3.3)
- participate in induction training and ongoing learning and development, to ensure they understand and are confident to fulfil their responsibilities (Section 3.4)
- provide safe direct and indirect supervision in programs, events, research and all other activities (Sections 3.5, 3.6 and 3.8)
- comply with principles of informed consent, including media and research consent safeguards (Sections 3.7 and 3.8)
- respond quickly and sensitively, and within the provisions of this Framework, if they suspect or allege abuse or neglect (Section 4).

Families can expect all team members to:

- always follow Smith Family child protection and privacy policies
- restrict their contact to Smith Family activities only
- act with the best interests of children as their number one priority
- be fair, reasonable and respectful of children, their rights and their culture
- Take children and young people seriously, and provide opportunities for them to take part in decisions that affect them
- support independence in personal tasks, such as hygiene, toileting and changing clothes  
*Team members will always seek permission from the child or young person (and, in the case of volunteers, via their supervisor) before assisting with any personal care task the child or young person cannot manage independently and check with parents or carers about how to manage this assistance in the best interests of the child.*
- make sure any physical contact and activity is appropriate  
*Team members will only touch children on the top of the back or arms, and then only if the child or young person has given consent. The only physical activity will be structured games and sports and will never include physically or sexually provocative dress or behaviour.*
- make sure their behaviour could not be construed as initiating an intimate or sexual relationship and discourage any attempt by students to initiate inappropriate relationships with them  
*Team members will report to their direct supervisor any attempts on the part of a student to initiate an inappropriate relationship and make sure the student understands why and how their relationship works.*
- immediately report any concerns they have about a child or young person's safety and wellbeing  
*Team members will record and report all allegations or suspicions of abuse or neglect in accordance with this Framework.*

Families can expect that team members will never:

- do things of a personal nature that a child or young person can do for themselves, such as assisting with hygiene, toileting or changing clothes
- have secrets with a child or young person  
This does not include normal confidentiality with regard to personal information that child or young person has shared 'in confidence' relating to that individual's participation in the program or where necessary and appropriate to support the investigation or reporting of a child protection concern.
- act towards a child or young person in a way that can be seen as favouritism
- act towards a child in any way that can be seen as harassing or disrespectful, including sexual, cultural, racial or disability-based harassment, and other harmful behaviour such as bullying, isolation and neglect
- make sexually suggestive or provocative comments that could be heard or otherwise accessed by a child or young person
- accompany or take a child or young person to their home, except in an emergency
- transport a child or young person in a private vehicle, except in an emergency
- extend an activity of The Smith Family into a meeting with a child or young person outside of The Smith Family's programs, activities or locations
- supply a child or young person with alcohol, cigarettes, medication or other drugs.

This way of working applies to all aspects of a team member's role and applies both during an outside of regular working hours.

### **Emergencies**

In an emergency, team members must follow The Smith Family emergency plans, paying special attention to procedures for assisting children, young people and others at risk of harm. If it becomes necessary to accompany a child or young person alone in an emergency, whether on foot or in a vehicle, team members should ensure they have:

- received consent from the parents or guardians of the child or young person or, if the matter is urgent and a parent or guardian cannot be contacted, taken advice on the matter from emergency services (such as the ambulance, hospital or police service)
- provided The Smith Family management and emergency services with full details of where the child or young person is being taken; how they are being taken there and by whom; when they are expected to arrive; and how contact can be made when they arrive.

### **Privacy and confidentiality**

In accordance with our Privacy Policy and team member confidentiality obligations, all team members must respect and maintain privacy and confidentiality, except where required or permitted by law to provide particular information. They must:

- ensure that the personal details of a child, young person or anyone else are not used for any personal purpose or made available to an unauthorised person
- disclose only those personal details permitted within specific program guidelines
- access only the data that is relevant to a specified task or activity, in accordance with clear authority to do so
- use only their own allocated login details to access data and log in to The Smith Family computer and information systems
- only copy or take photographs if The Smith Family has received informed written consent to do so. An image, story or identity must only be used for the purpose for which written informed consent has been obtained – such as for the annual report or specified media uses. Team members must provide and explain clear information about how to ensure privacy protection in social media

communications. Consent must be obtained if there is an intent to use an image, story or identity for a purpose other than that for which the informed written consent was originally obtained.

## **2.6 Supporters, partners and third party providers**

Supporters, partners and third party providers can expect to be informed at the outset of their engagement with The Smith Family of the implications for them of this Framework. This includes in particular:

- our commitment to always act in the best interests of children; provide safe environments; and take action to protect them from harm
- screening, other checks and training that may be required, depending on the nature of their contact with children and young people (direct contact) or with personal and sensitive information (indirect contact)
- how we supervise children and young people, and all communications with them
- privacy, confidentiality and consent including as this relates to media, events and research.

## 3 Providing safe environments

### 3.1 Risk management approach

Every day, in the course of conducting The Smith Family's programs and activities, children and young people spend time with adults. Most of these adults are caring, committed people. However, The Smith Family recognises that creating opportunities for participation, engagement and relationships can create risks that must be managed to safeguard children and other vulnerable persons at risk of harm.

Some aspects of our risk management approach fulfil legal obligations, such as mandatory reporting and Working with Children Checks (WWCCs). Others, including our practice of developing risk management plans for programs and activities, are the result of The Smith Family's commitment to safeguarding children and young people (Section 0).

The Smith Family takes a whole-of-organisation approach to safeguarding children and young people.

Managers of programs and activities are responsible for ensuring child safety risks are identified and controls are in place. When determining risks and controls, managers must consider:

- the nature of the contact with children and young people.  
Direct and indirect contact is defined differently in state and territory legislation (Section 5: Definitions). In this Framework, and for the purpose of undertaking activities with and within The Smith Family, **direct contact** is defined as any form of contact between a person and a child or young person. This includes any form of physical contact, oral communication (face to face, by telephone and online), and written communication (including electronic communication).  
**Indirect contact** is defined as access to personal and sensitive information concerning children or young people (typically via CONNECT2).
- whether contact is supervised or unsupervised
- the scope of contact, for example:
  - ongoing programs require screening, checks and supervision, as detailed in this Framework
  - one-off and short-term contact – such as Toy and Book deliveries and corporate events – may not require all participating adults to be screened and checked. However, this Framework requires child safety risks to be identified and controls put in place.
- the range of work and environments in which we operate, including:
  - programs and activities
  - communications, marketing, media and events
  - working with sponsors, supporters and partners
  - managing personal and sensitive information or data
  - conducting research
- the care requirements we undertake, such as providing first aid and emergency transport
- the differing needs and vulnerabilities experienced by children, young people and their families.

RISK LEVEL	TEAM MEMBER ACTIVITY	MINIMUM REQUIRED ACTION
<b>HIGH</b>	<p><b>Direct contact</b> with children or young people as part of a team member's position description (not just incidental)</p> <p><i>Examples include program delivery and event management.</i></p>	<p><i>Individual</i></p> <ul style="list-style-type: none"> <li>• Working with Children Check (WWCC) for every jurisdiction in which direct contact occurs. <i>For episodic telephone contact (eg an interview conducted for research) a WWCC is usually only required from the home state or territory.</i></li> <li>• National Police History Check (NPHC)</li> <li>• Face-to-face interview - <i>can be web-based</i></li> <li>• At least two reference checks <i>Employers of corporate partner volunteers may provide one reference and confirm robust vetting has occurred.</i></li> <li>• Signed Privacy and Confidentiality Agreement</li> <li>• Induction and ongoing learning and development on the Framework and Code of Conduct expectations</li> <li>• Required supervision ratios and arrangements</li> </ul> <p><i>Systemic</i></p> <ul style="list-style-type: none"> <li>• Risk management approach</li> <li>• Advisory structures and processes that include children and young people, and a relevant Child Safety Contact Person/Manager</li> <li>• Unannounced checks and audits</li> <li>• Audit/Report and Improvement Cycle</li> </ul>
<b>MEDIUM</b>	<p><b>Indirect contact</b> as part of the team member's or contractor's position description (not just incidental)</p> <p><i>This is typically defined as access via CONNECT2.</i></p>	<p><i>Individual</i></p> <p>Same as for High Risk (above) with the exception of supervision, which only requires:</p> <ul style="list-style-type: none"> <li>• WWCC for one jurisdiction, even if data is from multiple jurisdictions</li> <li>• Supervision by a manager</li> </ul> <p><i>Systemic</i></p> <p>Same as for High Risk (above)</p>
<b>LOW</b>	<p><b>No contact</b> with children and young people, and no access to personal information or data</p> <p><i>This includes, for example, external providers of bookkeeping services.</i></p>	<p><i>Individual</i></p> <ul style="list-style-type: none"> <li>• At least one reference and identity check (as above)</li> <li>• Receipt and understanding of the Framework and Code of Conduct expectations</li> </ul>

## 3.2 Engaging children, young people and families

### 3.2.1 Engaging children and young people

The Smith Family supports and promotes the *United Nations Convention on the Rights of the Child*. We take children and young people seriously and seek to engage them in decisions that affect them. We do this because we value them and their views and aspirations. We need to understand the unique knowledge, experience and perspectives of the children and young people with whom we work so we can design and deliver the best programs, activities and outcomes. This is consistent with National Principles for Child Safe Organisations Principle 2: *Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously* (see also Section 1.2).

The Smith Family strives to collaborate with children and young people at each of the following four levels, ensuring their engagement is developmentally appropriate, influential and meaningful.

- a. We engage **individuals** in everyday communications and activities. We are respectful and inclusive. We ensure that language and behaviour does not seek to assert power over any child or young person, other than setting boundaries for individual and group safety and wellbeing.
- b. We engage **groups** in planning and running programs and activities. We have group rules and norms, and we enable social and cultural inclusion. We monitor and report on participant views about program flexibility, relevance and inclusion.
- c. We engage the **community**, by seeking child and student input into and feedback on how The Smith Family is operating. We seek input and feedback through our communications, programs, partnerships and relationships.
- d. We engage at the **regional and national** level, integrating the experiences, views and perspectives of children and young people into strategic planning and risk management. We use published and commissioned research, and representational structures and processes, supported by training, mentoring and other related approaches.

### 3.2.2 Engaging families

In a child safe organisation, families and communities are informed and involved. All families we partner with receive information at least annually – and can ask questions at any time – about how we safeguard children and young people in our programs and activities.

All our teams strive to work with families in ways that contribute to a partnership-based, co-design approach to what we do.

This is consistent with National Principles for Child Safe Organisations Principle 3: *Families and communities are informed and involved in promoting child safety and wellbeing* (see also Section 1.2).

## 3.3 Recruitment

### 3.3.1 Team members

#### Position information

Every team member (employee and volunteer) role will specify the nature and extent of their involvement with children and young people, and their personal information or data (Section 3.1).

#### Interviews

Interviews are conducted in accordance with The Smith Family Recruitment and Selection Policy. People and Culture and Volunteering have materials in place to guide consistent and effective interview processes.

Recruitment of employees and volunteers whose role encompasses direct contact with children and young people – or indirect contact via their personal information or data – will include at least one interview question or scenario relevant to the role, to enable the interviewer to gain an insight into the applicant's:

- beliefs and values in relation to the treatment of children
- professional experience, qualifications and competence in relation to working with children
- reasons for leaving previous positions that involved working with children
- reasons for wanting to work with children
- general awareness of child protection issues.

The interview also forms part of the identity-checking process.

Interviews for recruiting employees and volunteers into roles that exclude direct or indirect contact with children or young people will include a question or scenario that explores the person's beliefs and values regarding child safety – such as what they would expect the organisation to have in place to protect children.

Any indications of inappropriate contact with children must be referred to the manager or relevant Child Safety Contact Person for further guidance.

#### Screening

Employees and volunteers must undergo a screening process if their role involves direct contact with children and young people, or indirect contact via their personal information or data.

In terms of screening:

- every jurisdiction requires a Working with Children Check (WWCC). This is required as follows:
  - direct contact: every jurisdiction where the team member's role requires direct contact with children or young people.  
The exception is an interview for the purposes of research, where a WWCC is only required from the jurisdiction in which the team member lives.
  - indirect contact (including but not limited to access to The Smith Family's Client Relationship Management System CONNECT2): the jurisdiction where the team member lives.
- the team member may undergo a reference check and National Police History Check, managed centrally by People and Culture – including Volunteering.

Team members responsible for recruitment must allow sufficient time for these screening processes to be satisfactorily completed before the team member has any contact with children and young people – or their personal information. Reference checks can take time if nominated referees are difficult to contact, and it can take several weeks – even months – for a WWCC to be processed.

While each state and territory has different legal requirements as to whether a person can commence in a role before the employer has received a clearance to work with children, at The Smith Family all



screening processes relevant to the role and the nature of the contact with children and young people and their personal information must be satisfactorily completed before the team member can make that contact.

A current employee or volunteer who transfers into a role that requires screening not previously required must consent to and satisfy all screening requirements before undertaking the new role.

### **National Police History Check (NPHC)**

The Smith Family may use an NPHC in the screening process to confirm an applicant's identity and integrity.

We advise team members (employees and volunteers) when they need to renew their NPHC. Employees must respond promptly to advice that their NPHC requires updating.

Team members managing volunteers receive auto-reminders about checks due for renewing volunteers, which gives them sufficient lead time to arrange this before the current NPHC expires. The Code of Conduct details the obligation to maintain a satisfactory NPHC. A team member who fails to do so may face disciplinary action, including termination of their role with The Smith Family.

Exclusion from working with The Smith Family is based on the relevance of any offence to the role for which the person has applied.

Regulations introduced in June 2018 affected the level of information The Smith Family receives about the results of an NPHC. In addition, the updated NPHC has specific categories, authorising:

- no contact with vulnerable people
- contact with vulnerable people, with supervision
- contact with vulnerable people, without supervision.

For this particular check, the Australian Criminal Intelligence Commission (ACIC) defines 'supervision' as contact with vulnerable people (which includes children) in the presence of an adult who has responsibility for the safety and care of the vulnerable person (such as a legal guardian, or in certain cases, the child's teacher).

#### *Employees*

NPHCs for employees are conducted and stored by People and Culture.

#### *Volunteers*

NPHCs for volunteers are conducted by the Volunteer Coordination Unit and stored in CONNECT2.

### **Working with Children Check (WWCC)**

The WWCC screening process is required for every employee and volunteer whose role involves working with children and young people, or accessing their personal information or data, including through access to CONNECT2.

The WWCC is conducted in accordance with legislation and regulations in each jurisdiction. In some jurisdictions the WWCC is not required for some child-related roles; however, The Smith Family requires a WWCC for any employee or volunteer working with children and other vulnerable persons or with access to their personal information (indirect contact), as outlined in this Framework. This reflects our commitment to protecting children and young people.

Legislation relating to WWCC varies between jurisdictions. The Smith Family must work within the legal frameworks of each jurisdiction; we seek exemptions and/or put additional checks in place where local WWCC legislation is of a lesser standard than this Framework, for example in a jurisdiction where a WWCC is not authorised for roles which have indirect contact only.

The frequency of updating WWCCs differs between jurisdictions (typically between three and five years). The Smith Family works within these constraints.

Any volunteers who commenced a role while under 18 years of age must complete the screening requirements outlined in this Framework when they turn 18, if they wish to continue their volunteer role with The Smith Family. In some states, volunteers younger than 18 years are required to have a WWCC. The Smith Family complies with these requirements.

Failure to complete the WWCC consent form will render an applicant ineligible for employment or volunteering that involves working with children and young people or their personal information or data.

Failure to complete the WWCC consent for renewal of a WWCC will place the team member at risk of being removed from any duties which involve direct contact with children and young people or indirect contact,

If a Working with Children Check or National Police History Check identifies a conviction, the National Manager Human Resources (for employees) or the National Manager Volunteering (for volunteers) will consult with the relevant manager and Child Safety Contact Person to determine if the conviction indicates a risk to children, young people or the organisation, in which case the appointment will not proceed or will be terminated.

#### *Employees*

The People and Culture Team is charged with ensuring that employees' initial WWCCs are completed, and that employees are advised when it is time to update their WWCC.

Employees must respond promptly when informed that their WWCC must be updated.

The Code of Conduct details the obligation to have a satisfactory WWCC, and the consequences for the employee of not doing so. Employees may face disciplinary action, which may include termination of employment.

The People and Culture Team ensures that the employee's WWCC are securely stored in their confidential file on Smith Family systems. WWCCs must not be kept in local records/local drives, as this is likely to breach privacy obligations to that individual.

#### *Volunteers*

The Volunteering Team ensures the WWCC is completed and updated for volunteers, as required.

Any WWCC reference number, status and validation date is stored in CONNECT2, alongside any validated outcome of an NPHC. Some exemptions apply – such as for registered teachers in Victoria.

### **Reference check**

At least two reference checks are conducted, in accordance with the Recruitment and Selection Policy, for preferred applicants for employee and volunteer positions. Referees must have no family or kin relationship with the applicant, and have known the applicant for at least two years. On occasions, exceptions are made where a person is a new arrival to Australia; People and Culture manages these exceptional cases. Where possible, at least one referee should know about the applicant's paid or unpaid work with children and young people. Where volunteers are recruited via a corporate partner of The Smith Family, being nominated by their employer can be considered equivalent to a referee check for the volunteer where there is reassurance that rigorous employment checks are in place. If a team member is recruited from within The Smith Family, we will generally require an internal reference from a manager.

#### *Employees*

Employee reference checks are conducted by a member of the Recruiting Team or People and Culture Team, and forwarded to People and Culture for filing.

#### *Volunteers*

Volunteer reference checks are conducted by the Volunteer Coordination Unit and stored in CONNECT2.

### 3.3.2 Supporters who participate in corporate events or very-short-term volunteering

On occasions, adults participate in corporate events with The Smith Family. These supporters are not generally expected to undergo screening and other checks. Instead, The Smith Family employees responsible for the event are responsible for ensuring safe supervision of children and young people at the event and any related activity, and in any contact they have with adults as a result.

Adults sometimes volunteer for very-short-term activities such as Toy and Book deliveries. The Smith Family managers responsible for engaging these volunteers are responsible for ensuring the volunteers have read and understand our commitment to the safety, wellbeing and protection of children and young people and their personal and sensitive information. Managers must also plan for and manage the supervision, safety and protection of children and young people who may have contact with these very short-term volunteers.

### 3.3.3 External service providers

Before having any direct or indirect contact with children and young people, a person contracted as an external service provider in a role that will result in contact with children and young people or their personal information or data must provide evidence of their:

- identity (by providing photo identification)
- satisfactory WWCC.

This, and other legal and policy requirements outlined in this Framework, must be reflected in all contract negotiations and agreements.

## 3.4 Learning and development

### 3.4.1 Induction

Required induction for every team member (employee or volunteer) includes information about this Framework and the child safety and protection responsibilities of individuals and the organisation. All new team members who have any contact with children and young people – or their personal information or data – must successfully:

- complete the national online child protection training program, or an equivalent training session
- participate in local role-specific induction or training to ensure they understand how national and local child safety requirements and risk management procedures relate specifically to their role.

### 3.4.2 Learning and development

All team members (employees and volunteers) must complete annual update training in child safety, wellbeing and protection. The training covers:

- the requirements of this Framework
- jurisdictional requirements, including National Police History Checks and Working with Children Check requirements and local education and children's services policies
- the National Principles for Child Safe Organisations, and any related priorities and performance targets
- scenarios and frequently asked questions relevant to their role
- being competent and confident to fulfil our commitment to always act in the best interests of children and young people; provide safe environments; and take action to protect them from harm
- where to access further information and support.

## 3.5 Supervision of children and young people

### 3.5.1 Direct supervision by team members

Employees and volunteers should avoid situations where they are alone with children and young people. This protects everyone.

Adult-to-child ratios are determined with child safety and wellbeing as a priority. This requires pre-planning of activities to ensure supervision requirements are met, including where there is an unplanned event – such as if a supervising adult becomes unwell.

The following minimum adult-to-child ratios should be observed, taking into account that at least two adults should supervise children at all times:

- for children under the age of eight: one adult for every five children
- for children aged eight and over: one adult for every eight children.

This ratio applies to all activities, including:

- programs, including Learning Clubs
- camps and outings
- marketing and media events
- corporate events, activities or presentations
- transport.

Where this ratio is not possible, adequate risk management strategies must be agreed upon and documented with the line manager. This may include ensuring that the team member meets with the child or young person in an open, publicly observable environment.

Volunteers under the age of 18 will generally be supervised by employees or adult volunteers. Where this is not possible having regard to the nature of the activity, other arrangements will be made to ensure adults have close oversight of the activities and appropriate risk management measures are in place.

Volunteers who are under 18 are not counted as adults when determining adult-to-child ratios.

### 3.5.2 Handover of supervision

Transfer or handover of supervision must be undertaken in a safe and respectful manner.

The Smith Family supervisor must be assured that the person taking over supervision is a parent or caregiver with authority to take responsibility for the child or young person, and should convey any relevant information – such as if the child or young person is tired or has been distressed, or if they have something to be celebrated.

A parent or caregiver may not arrive at the specified time to collect their child. Each program or activity will have emergency contact information for every child, along with guidelines – which have been explained to and agreed with the family – about what should happen if this situation arises. For example, the guidelines may state that The Smith Family supervisor will use the emergency contact information and endeavour to arrange for an authorised person to collect the child, and that if none of the emergency contacts can be reached, two of the supervising adults will persist for a specified time, then alert their line manager or the Child Safety Contact Person, who will advise whether to contact emergency personnel (such as the police) or to accompany the child home.

Children should not be left to make their own way home. If emergency contacts cannot be reached, this indicates that the child could remain unsupervised for some time if they were to go home alone.

A child should not be placed in the care of the parent of another child in the program unless that adult is approved by the child's parent or legal guardian to supervise the child, or the supervisor is instructed by the police to do so.

There may be occasions when a team member in a supervision role has concerns for the safety and wellbeing of a child if they hand over the child to the adult who is authorised to collect them – or, after a

consultation with their manager, they escort the child home and are concerned about the safety of the child in that setting. Employees have no authority to refuse to hand over a child to their legal guardian. Depending on the urgency of their concern, the team member can:

- contact their manager for advice – for example, if there is no apparent risk of imminent harm to the child but the team member is concerned about whether the child's basic care needs such as food and attention will be met
- complete an internal Child Safety Alert and, if necessary, report to child protection authorities if there is significant concern about the safety, welfare and wellbeing of a child – for example, if the team member is concerned the parent or caregiver is too unwell, for whatever reason, to care for the child
- contact the police – for example, if violence or aggression are observed.

If the child says they are scared to go with the person who comes to collect them, or to go home, the team member should contact their manager or the Child Safety Contact Person for advice.

A team member has no legal right to withhold a child from their parent or caregiver; only police officers and child protection authorities may do so.

Team members should complete a Child Safety Alert if they have concerns about the safety of a child or young person, and make a report to child protection authorities if/as required.

### 3.5.3 Transport of children and young people

Parents and carers are responsible for transporting their children to and from any activity or event facilitated by The Smith Family.

Consent for team members to accompany a child to an event must be obtained from the child's parent or legal guardian, and the team member's manager. Consent should be provided in writing or in a verifiable electronic format.

If team members accompany a participant, the usual ratio of adults to children applies. If the recommended ratio is not possible, action should be taken to mitigate any risk.

Team members should not transport children or young people in private vehicles, except in an emergency.

If it becomes necessary to accompany a child alone in an emergency, whether on foot or in a vehicle, employees and volunteers must ensure:

- they have obtained the consent of the parent or guardian. If the matter is urgent and a parent or guardian cannot be contacted, the team member should take advice from emergency services, such as an ambulance, hospital or police representative
- that The Smith Family management and emergency services have full details of where the child is being taken; how they are being taken there and by whom; when they are expected to arrive; and how contact will be made when they arrive.

### 3.5.4 Managing personal and other health support needs

Employees should incorporate health support planning into any program or event where The Smith Family has duty of care for a child. This means:

- making sure a first aid kit and trained first aid provider are available (can be provided by the venue)
- asking parents or caregivers whether their child has a known first aid need – such as a history of asthma, diabetes, anaphylaxis or epilepsy – or a routine health support need – such as medication administration, personal care support or help with a mental health issue

A health support need should not prohibit a child or young person from participating in a program or activity unless the child's needs exceed what we have previously said The Smith Family can offer and provide. This means planning for health support must occur early, so any special measures can be put in place.

### 3.5.5 Management of alcohol and other drugs

All activities associated with The Smith Family should support local health and education policy in relation to managing alcohol and other drugs, and keeping children and young people safe. This includes safe use of medications; no exposure to tobacco; minimising exposure to alcohol; and complying with drug legislation. In practice, this means that The Smith Family must ensure:

- safe medication management within all activities
- smoke-free environments for all activities
- careful consideration of student attendance at any event where alcohol is available.

Students should be supervised to ensure they are not placed at risk from the alcohol-related behaviour of others. No student aged under 18 years should be supplied with alcohol, and the safety and wellbeing of adult students should be incorporated into the event risk management planning.

The presence, use or supply of an illegal substance is a police matter and should be reported accordingly.

### 3.6 Safeguarding adult students and other adults with whom we work

This Framework relates to children and young people under the age of 18 years. Although child protection legislation does not apply to adults, our commitment to rights, safety and protection of children and young people extends to the tertiary students and vulnerable persons with whom we work. We therefore also consider the guidance the Framework provides when we work with students aged 18 years and over. We respect the right of adult students to make informed decisions.

We appreciate the potential mutual value in connecting our adult program participants with mentors, supporters and other community members. We also acknowledge that in bringing people together we have a responsibility to act to safeguard the program participants we are introducing to new people and environments.

This means we:

- inform our adult students, other adult program participants, supporters and partners about our commitment – and expectations – regarding the rights, safety and protection of everyone with whom we work
- ensure participation in any program or activity is informed and optional: there is no obligation for any (adult) *Learning for Life* student to agree to participate in activities with external organisations and their decision to participate, or withdraw from the activity after it has commenced, will not affect their *Learning for Life* eligibility, participation or payments.
- where possible, ensure adult contacts have a Working with Children Check and professional and personal references attesting to their character and veracity of their professional background
- actively inform adult program participants about the risks of private contact with persons introduced to them through a program or activity (third parties) that is initiated or occurs outside the program or activity and encourage them to ensure that:
  - They know who to contact if they have any concern at all about their comfort or safety in the relationship or activity
  - They inform the relevant Smith Family contact person of the nature and extent of all contact with third parties
  - any face to face meeting with third parties is in a public place
  - all online communications are via a business email address or platform.



## 3.7 Digital programs and activities

### 3.7.1 Using digital technologies

In developing digital programs and using (often new) technologies, The Smith Family aims to enable children and young people to safely learn about and use these tools. We follow the guidelines of the [Australian Office of the eSafety Commissioner](#), which include:

- putting protections in place
- informing children, young people and families and engaging them in how to have safe, positive experiences online
- managing any incident promptly and effectively
- routinely monitoring our policies and practices.

### 3.7.2 Programs

Where internet-based communication is used in programs and activities – such as iTrack online communication or chat rooms – the following procedures apply:

- websites that are accessed by children and young people must be organised so they protect participants from having unsupervised direct contact with other participants
- participants (children, young people and adults) must be provided with information about how to protect their privacy and confidentiality, and how to avoid disclosing information that could identify them
- participants must be provided with information about the protection of children and young people
- links to other websites must be monitored, and links to inappropriate sites removed
- program guidelines must include procedures to ensure that child safety and wellbeing issues are considered, and that any risks to children and young people are managed.

### 3.7.3 Communication between sponsors and students

Sponsors should never receive a student's personal or sensitive information.

All communication between sponsors and students is reviewed... The Smith Family will de-identify, mask or remove any information which it considers is inappropriate or risks the privacy of children or young persons and their families. As a general rule, The Smith Family does not facilitate or encourage any communication between a sponsor and a student after the sponsorship ends. Any exceptions must be referred to the National Child Safety Contact Person for approval.

Team members may sometimes read a communication from a student to a sponsor indicating that the student feels unsafe in their home or some other environment. If this occurs, the team member will inform the relevant Child Safety Contact Person and take action to protect the best interests of the student.

The Smith Family monitors written communication between sponsors and students, including the forwarding of gifts. The Smith Family has a policy of restricting the types of gifts sponsors give to students, and the circumstances in which they may do so. This policy protects the best interests of the student, and other children associated with them. It encourages equity across the program; discourages any special or personal relationship; and makes sure other students – in the student's family, the program or the child's school – do not feel there is a lack of fairness in The Smith Family's approach. The Learning for Life partnership guidelines inform sponsors and students about these policies.



### 3.8 Communications, marketing, media and events

All team members and supporters will comply with the requirements of this Framework in all communications, marketing, media and events.

Signed media consent must be provided in advance.

Children and other people at risk of experiencing vulnerability must not be asked to speak in public presentations such as tertiary student presentations, media presentations, corporate partnership events or major donor events unless there is both:

- supportive supervision provided by a team member at the event
- signed permission giving informed consent (see the Definitions) from:
  - the parent or guardian of the child (under 18 years), and the child or young person has confirmed their willingness to participate (see the Consent Form for Media and Promotional Activities)
  - the signed consent of the young person, if they are aged 18 and over (but this is encouraged for all children particularly those aged 15 or over).

Support and guidance provided to children, young people and their families in The Smith Family's communications, marketing, media and events should, as far as possible, include:

- information about the event itself, including the purpose, attendees and scheduling, and where and with whom they will be located
- a clear description of their role at the event, and who will accompany and guide them
- a briefing on how to keep their personal and sensitive information safe, to ensure that they do not identify themselves or where they live, and do not disclose more than they want to
- information about the nature and extent of any intended publicity for the event
- some discussion about, and encouragement to consider, the impact of friends and peers becoming aware, now or in the future, that they are connected with The Smith Family – for example, through receiving a scholarship.

Corporate and other partners will be briefed and reminded about this Framework and the commitment and obligations it encompasses for The Smith Family. This will incorporate, as relevant to the partnership:

- how students will be chaperoned and supported at the event
- informed consent requirements, and the scope and limits of student (and family) participation, not only in communications and events but more broadly – including the importance of formally negotiating any extra support (such as that related to healthcare needs) or other opportunities (such as an internship or academic credit)
- child protection requirements and the supervision obligations of team members – and how this protects the partner as well as children and young people and families
- guidance on what is and is not supportive of students, and therefore possible in terms of their participation
- social and cultural issues to consider in protecting and respecting students, families and The Smith Family's values and commitments
- if alcohol is to be served to guests, how this will be managed to minimise any negative impact
- transport to and from the event
- media presence, and the scope and limits of consent from the student, family and others
- use of students' identifying or personal details and images at the event, and any potential for use after the event, including in web-based communications.

For each event, partners must also be consulted about the event risk management plan as it relates to child safety and protection, with detailed discussion of all issues related to safe and respectful engagement with children and families.

### 3.9 Research and evaluation\*

When The Smith Family conducts research with children and young people, the participation of children and young people, and their families, must be voluntary and comply with current national guidelines for the ethical conduct of research– including the requirement for informed consent. Research can involve interviews (face to face, over the telephone or via communication platforms such as Skype); face-to-face focus groups; surveys (face to face, over the telephone, and via mail or online); or the use of administrative data relating to children and young people, or their families.

Engaging children and young people in research supports The Smith Family's commitment to engaging children and young people in the decisions that affect them (see section 3.2).

All research is conducted in accordance with The Smith Family's 'Code for responsible conduct of research'. This includes both funded and unfunded research. In cases where approval has been sought and provided by a university human research ethics committee, a copy of that application and approval must also be provided to The Smith Family's Head of Research and Advocacy.

When conducting research face to face, the child or young person must never be out of sight of a second adult – that is, an adult other than the person conducting the research. Even if the parent or guardian and the child or young person have both consented to a confidential interview with the child or young person, this second adult should maintain visual contact of the child or young person. Where consent is provided, the researcher should audio record the interview. See the 'Code for the responsible conduct of research' for further information on obtaining informed consent and the storage of research data.

\*For brevity, the term 'research' is used throughout to refer to both research and evaluation activities.

## 4 Acting to protect children and young people

### 4.1 Reporting and managing child protection concerns and complaints

#### 4.1.1 Obligation to report alert managers and to make a child protection report to authorities

The Smith Family will deal promptly, honestly and fairly with all concerns and complaints in relation to the safety and protection of children. Any action will be in accordance with legal requirements and best practice, as outlined in this Framework and supporting documentation.

All team members are expected to submit an internal Child Safety Alert if they have any suspicion or reasonable grounds for concern that a child or young person is at risk of harm. The meanings of these and other key words are explained in the Definitions.

In addition, a child protection report must be made to authorities as soon as possible after the person forms a belief that a child or young person may be at risk of abuse or neglect (see Child Protection Authorities: SmithNet: Child Protection).

The internal Alert, and external child protection report (where required), should be made regardless of whether or not the concern is related to The Smith Family programs and activities, and regardless of whether the child is in the care of another person or agency – including a school or children's service. The team member should seek the advice of a Child Safety Contact Person where it is practicable and timely to do so (see section 2.4) to help them ensure their report is factual, complete, free of supposition and consistent with their obligation to refrain from any investigation.

Any internal Alert or external child protection report should be made despite any gaps in the information available to the reporter. The reporter does not have to prove significant abuse and neglect, but must be able to describe the reasonable grounds for their belief about the child or young person being at risk of harm and in need of protection.

Team members should be mindful that in making an external child protection report, they are adding to the information gathered by child protection authorities and the police – and that they are not personally taking on the role of investigation or accusation. It should also be noted that while an agency receiving a report might not take action at the time, the report may, when combined with subsequent information, result in action being taken.

#### 4.1.2 Mandated and voluntary notifiers

This Framework requires all team members to report to external child protection authorities any suspicion or reasonable grounds for concern. In several states and territories, The Smith Family employees and volunteers do not meet the definition of a mandated reporter. This does not affect the obligation of all team members to make a report as required by this Framework.

All states and territories do allow for voluntary reporting in different circumstances (see Section 5 Definitions). A person voluntarily making a report will be acting lawfully in each state and territory if the person acts honestly and makes the report formed on a belief, in good faith and based on reasonable grounds (see Section 4.4). 'Forming a belief' means that the person is more likely, rather than less likely, to believe there is a significant risk of harm for the child or vulnerable person. Further guidance is provided in section 4.1.4 below.

#### 4.1.3 Where another agency is involved

Where the child in question is primarily in the care of another agency – for example a student in a school-based program facilitated by The Smith Family – The Smith Family team member might decide to act in consultation with the staff of that service, such as the school principal or responsible teacher. This does not absolve The Smith Family team member of the responsibility to see that action is taken to safeguard the child or vulnerable person.

This document, once printed or downloaded, is uncontrolled and may not be current.

#### 4.1.4 Recording and reporting

All complaints and concerns should be recorded in The Smith Family's internal Child Safety Alert system and forwarded as a matter of priority to the relevant Child Safety Contact Person.

The following steps should be taken, while also complying with confidentiality and privacy requirements at all times.

- The team member must make every effort to inform the Child Safety Contact Person (or their backup person) of the suspicion of abuse or neglect. If there are delays in reaching a Child Safety Contact Person, and the child or young person could be at risk of imminent harm, child safety comes first – not convenience, waiting for business hours or seeing to administrative matters.
- If the team member is uncertain whether reasonable grounds exist, they must check with the regional child protection authority and make a formal report if or as advised.
- If the team member is confident there are reasonable grounds for doing so, they must make a formal report to the child protection authority, and complete and forward the Child Safety Alert to the relevant Child Safety Contact Person. Ideally, the formal report should be submitted with the full knowledge of the Child Safety Contact Person, who is well placed to assist with wording the report to ensure it is clear, relevant and factual, and refrains from any investigation or supposition. The only reason to not seek the advice of the Child Safety Contact Person would be if the team member had a reasonable belief that delaying the report could place the child or young person at risk of imminent harm.
- The team member must follow the Child Safety Contact Person's guidance regarding further internal management of the situation, including maintaining confidentiality of the action taken and acting to protect child safety, as required by the situation.
- The team member must act in the best interests of the child. Authorities can provide advice about this. It is important to follow the instructions of the child protection authority, to avoid compromising an investigation or other action being taken in the best interests of the child and other children who might be affected.
- The team member must inform the Child Safety Contact Person of any need for additional support after the report has been made, including support for employees, volunteers, program participants or others potentially affected.

Throughout the process, the Child Safety Contact Person must ensure compliance with legislation and policy requirements, including the requirements of this Framework. They must:

- respond as a matter of urgency if contacted by a team member or volunteer regarding suspicion of a risk to child safety
- support the team member and others, as required, during and after the reporting process. This includes ensuring closure of the matter in consultation with team members who have been , and potentially continue to be involved with the child and their family
- oversee a post-reporting review, to see what can be learned to inform management of future child safety and protection matters.

## 4.2 Managing relationships with the child or young person, and their family

### 4.2.1 Child or young person

The key priority in managing reports and complaints is to make sure the child or vulnerable person/person experiencing vulnerability is and feels safe. Children may feel frightened during a reporting situation. They must be informed of their rights, treated with respect, taken seriously, and provided with support and comfort. We want to ensure the child understands The Smith Family takes their concerns very seriously and that we will do what we can to support them. Team members can ask children directly what they can do to help the child feel safe and be safe. In addition, team members must:

- maintain confidentiality, so that only people directly involved in the complaints process know about the complaint. While employees of The Smith Family cannot promise to keep complaints and disclosures secret, they can ensure that only those who need to take action will be informed.
- explain what will happen next, letting the child know exactly who will be told about the matter. This may include the Regional Programs Manager, the National Office Senior Manager, the relevant government authority and, if the complaint is not against someone within the family or kinship group, parents or carers.
- minimise questioning, while listening and taking notes. It is not The Smith Family's role to investigate the report – that is the role of the relevant authority. Asking too many questions could confuse the child and compromise a formal investigation.

### 4.2.2 Family members

If a concern or complaint relates to a member of the child's family, the family should not be informed. Decisions about any action will need to be made on a case-by-case basis in consultation with the relevant Child Safety Contact Person and, if a report is made, as advised by the child protection authority. If the concern or complaint relates to a team member or volunteer from The Smith Family, the Child Safety Contact Person will contact the family and advise them of the situation, what action has been taken and any proposed further action.

## 4.3 Community support services

Induction and ongoing learning and development programs help team members understand the scope and limits of their role in relation to safeguarding children and vulnerable people/people experiencing vulnerability. The Smith Family is not a child protection agency, but we can and should link people to relevant services. Learning for Life, Communities for Children and the Child Parent Centre teams are familiar with social care services available in their community. They can share this information with families who seek advice about where they can get assistance, such as with housing, welfare services or community connections. Proactively linking families to support services can sometimes strengthen families and reinforce child safe environments.

Teams should be well informed about culturally relevant local services. If employees are concerned about how they can fulfil their obligations to Aboriginal and Torres Strait Islander families, they can ask their Child Safety Contact Person, who can in turn seek information and guidance from the Aboriginal and Torres Strait Islander Community of Practice.

## 4.4 Protection of a person making a report

The Commonwealth *Privacy Act 1998* allows disclosure of personal information about an individual, where the disclosure is based on a reasonable belief that it is necessary in order to “lessen or prevent a serious and imminent threat to an individual's life, health or safety” and it is unreasonable or impracticable to obtain the parent's consent to disclosure. A person who, acting honestly, makes a report on behalf of The Smith Family in good faith and based on reasonable grounds, will not breach privacy law by making the report or allegation. In most states and territories the identity of the reporter is protected, and in the others there is some limited protection (see section 4.1.4).

## 5 Definitions

**Allegation of abuse:** This can be made verbally or in writing. A record of the allegation must be made in writing by the claimant – or a witness or advocate for the complainant – or a person required to report concern through mandatory reporting requirements. This written record becomes the basis on which a report is made.

**Approved screening agency:** An approved agency commissioned to provide screening services.

**Child:** For the purposes of this policy, a person who is under the age of 18 years. Note: The Framework uses the term ‘children and young people’ to refer to those people participating in our programs and activities and to acknowledge the developmental difference across this age range. When the word ‘child’ (only) is used, it encompasses all people under 18 years of age.

**Child abuse and neglect:** Assault, including sexual assault, ill treatment or neglect of a child, or exposing a child to behaviour that psychologically harms the child. Abuse can be physical, emotional, psychological and/or sexual. Abuse can also include neglect and harassing behaviours.

- *Physical abuse* occurs when a child is subjected to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally, or inadvertently as a result of physical punishment or the aggressive treatment of a child.

Possible indicators include unexplained injuries, unusual behaviours and social isolation – such as wearing long sleeves in warm weather, evasive behaviour when questioned or aggressive behaviour.

- *Emotional or psychological harm* occurs when a child is threatened or rejected. Often there is a pattern of emotional or psychological abuse rather than a single incident. Witnessing family violence is an example of emotional abuse.

Possible indicators include behaviour problems – such as the child often expressing guilt or having extremely low self-esteem – or parents being unconcerned about their child’s welfare.

- *Sexual abuse* is any act in which a person with power or authority over a child (female or male) uses a child for sexual gratification. Exposure to pornography is a form of sexual abuse. An abuser can be an adult, adolescent or other child.

Possible indicators include making comments or displaying greater sexual knowledge than normally expected for their age and stage of development; inappropriate sexual play with themselves, other children, dolls and other toys; persistent sexual themes in drawings and play; running away; destroying property; hurting animals; having difficulty concentrating; or being overly obedient.

- *Neglect* is the failure to provide a child or young person with the basic necessities of life, such as food, clothing, shelter and supervision. This includes failing to protect the child from abuse by another to the extent that the child’s health and development are placed at risk.

Possible indicators include frequent hunger, gum disease, untreated sores, inadequate clothing for the weather, constant tiredness, poor personal hygiene and behavioural symptoms.

- *Family violence* is violence between members of a family or extended family, or those fulfilling the role of family in a child or young person’s life.

**Contact:** In this Framework, direct contact is defined as any form of contact between a person and a child, including any form of physical contact, any form of oral communication (whether face to face or by telephone), and any form of written communication, including electronic communication.

**Forming a belief:** When a person is more likely, rather than less likely, to believe there is a significant risk of harm to the child or young person.

**Information – personal:** The *Privacy Act 1988* (Privacy Act) regulates how personal information is handled. The Privacy Act defines personal information as “information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual, or an individual who is reasonably identifiable”. Common examples are an individual’s name, signature, address, telephone number, date of birth, medical records and bank account details, and commentary or opinion about a person.



**Information – sensitive:** This is personal Information that is subject to additional privacy protections and includes **information** or opinion about an individual's racial or ethnic origin, political opinion, religious beliefs, sexual orientation or criminal record. Access to sensitive information should be safeguarded in accordance with The Smith Family's privacy and confidentiality policies.

**Informed consent:** A person can be said to have given voluntary informed consent upon a clear appreciation and understanding of the facts, implications and future consequences of an action. In order to give informed consent, the individual concerned must have adequate reasoning faculties and be in possession of all relevant facts at the time consent is given.

**Mandatory reporters:** In the various states and territories, mandatory reporters generally include:

- persons in the medical profession
- teachers in educational institutions
- members of the police force
- persons who provide childcare services
- social workers
- persons who work in organisations that receive funding from the government.

Even for a person who is not a mandated reporter, failure to notify their belief, when they have reasonable grounds, is a breach (unacceptable conduct) of this Framework and may lead to disciplinary actions. Serious misconduct justifies dismissal without notice (summary dismissal) or payment in lieu of notice.

**Mandatory reporting:** The legislative requirement in each state and territory imposed on selected classes of people to report suspected cases of child abuse and neglect to government authorities.

**Reasonable grounds:** These are likely to exist when:

- a child states that they have been abused or neglected
- a child states that they know someone who has been abused or neglected – sometimes the child may be talking about themselves
- a relative, friend, acquaintance or sibling of the child states that the child has been abused or neglected
- professional observations of the child's behaviour or development lead to the belief that the child has been abused or neglected
- signs of abuse and neglect lead to the belief that the child has been abused or neglected.

**Risk of harm:** This is when there are current concerns about the safety, welfare and wellbeing of a child or young person because, for example:

- the child or young person's basic physical or psychological needs are not being met, or are at risk of not being met (see the definition of 'Child abuse and neglect')
- the parents or caregivers have not arranged necessary medical care for the child or young person, and are either unable or unwilling to do so
- the child or young person has been or is at risk of being abused or neglected
- the child or young person is living in a household where there have been incidents of domestic violence, and as a consequence is at risk of serious harm
- a person has behaved in such a way towards the child or young person that they have suffered or are at risk of suffering serious harm
- a child or young person is homeless and at risk of harm.

**Safeguard:** A measure put in place to protect a person from harm.

**Screening:** A formal process of checks to help determine someone's suitability to work with children. This includes a check of relevant apprehended violence orders, relevant criminal records and relevant disciplinary proceedings. See *Working with Children Checks Handbook Volumes 1 and 2* (King & Wood



Mallesons for The Smith Family, 2019) for details of these requirements and processes for each state and territory.

**Team members:** Employees or volunteers working for The Smith Family.

**Vulnerable persons or people:** Children (people under the age 18) and individuals aged 18 and over who are – or may be – unable to take care of themselves against harm or exploitation by reason of age, illness, trauma, disability or any other reason. Note: The Framework uses the term 'children and young people' to refer to those people participating in our programs and activities and to acknowledge the developmental difference across this age range. When the word 'Vulnerable person' is used, it refers to people under and over 18 years of age who meet the criteria in this definition.

**Voluntary reporting:** The ability of any member of the community who is not a mandatory reporter to report their reasonable belief that a child or young person is at risk of harm.

**Working with children:** For the purpose of this Framework, team members working with children or vulnerable persons are those engaged by The Smith Family in roles that include contact with children and vulnerable persons and/or their information – for example, in community programs, events and data management.

**WWC Check** means a Working with Children check or clearance or a Working with Vulnerable Person check or clearance in the relevant state or territory, as applicable.

## 6 Related Documents and Links

The SmithNet 'All about child protection' page:

<https://thesmithfamily.sharepoint.com/ourorg/SitePages/All%20About%20Child%20Protection.aspx>

The Smith Family Agreement and Consent form for Media and Promotional Activities

The Smith Family's Code for the responsible conduct of research

The Smith Family Code of Conduct

The Smith Family Complaints Policy

The Smith Family Data Collection Statements

The Smith Family Privacy Policy

The Smith Family Record Management Policy

The Smith Family Recruitment and Selection Policy

Data governance including Indigenous Data Sovereignty

### Document information

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