

TarraWarra Museum of Art Ltd
ABN 36 093 516 495

Postal Address PO Box 310
Healesville Victoria 3777 Australia

T +613 5957 3100
F +613 5957 3120
E museum@twma.com.au
W www.twma.com.au



CHILD SAFE ENVIRONMENT POLICY

1 Purpose

This policy has been developed to ensure that TarraWarra Museum of Art (**TWMA**) creates and maintains a child safe environment. In this context, a child safe environment is one which protects children from abuse and harm, while fostering an environment where children feel welcome and respected.

Organisations that provide services or facilities for children must have appropriate and consistent measures in place to prevent and respond to allegations of child abuse.

This policy aims to:

- (a) promote the safety of children;
- (b) prevent child abuse; and
- (c) ensure effective processes are in place to respond to and report allegations of child abuse.

On 15 November 2016, legislation was passed to amend the *Child Wellbeing and Safety Act 2005* in Victoria. This legislation change gives the Commission for Children and Young People (CCYP) powers to oversee and enforce organisational compliance with the compulsory minimum Child Safe Standards. The Child Safe Standards are enshrined in law and are designed to protect children from all forms of abuse.

This policy includes the minimum 7 Child Safe Standards for a category 2 organisation as required by the *Child Wellbeing and Safety Act 2005* (Vic).

2 Statement of Commitment

TWMA is committed to the safety, participation and empowerment of all children and has a zero tolerance approach toward child abuse.

We respect and support all children and we are committed to the cultural safety of Aboriginal children, children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability.

3 Who must comply with this Policy?

All staff employed by TWMA including full time, part time and casual staff members; contractors; unpaid and voluntary staff.

4 Code of Conduct

All staff, volunteers and Board members of TWMA are required to sign a *Code of Conduct* that stipulates their commitment to observing child safe principles and expectations for appropriate behaviour towards and in the company of children.

5 Scope of child protection

5.1 *Child Wellbeing and Safety Act 2005* (Vic)

Under Section 3(1) of the *Child Wellbeing and Safety Act 2005* (Vic) 'child abuse' includes:

- (a) any act committed against a child that involves a sexual offence or other specific offences under the *Crimes Act 1958* (Vic); or
- (b) the infliction of physical violence, or serious emotional or psychological harm, on a child; or
- (c) the serious neglect of a child.

5.2 Failure to disclose offence

The *failure to disclose offence* is an offence under the *Crimes Act 1958* (Vic), and came into effect on 27 October 2014 for adults who fail to disclose child sexual abuse to police. The offence applies to all adults, not just professionals who work with children. Any adult who holds a reasonable belief that a sexual offence has been committed by an adult against a child in Victoria must report that belief to police, unless they have a reasonable excuse for not reporting.

5.3 Failure to protect offence

People of authority in an organisation will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

6 Procedures and responsibilities

6.1 Working With Children Check

All staff and volunteers are required to have a Working With Children Check and provide a copy of their current Working With Children Check to TWMA. Applications are done online and finalised at an Australia Post outlet. Working with Children Checks take around 5-12 weeks to process, and are free for volunteers. Working with Children Checks are valid for 5 years from the date of issue. TWMA keeps an electronic copy of all Working With Children Checks.

6.2 Responding to and reporting suspected child abuse, a child safety concern or complaint

The Museum Director is accountable to the Board and is responsible for ensuring that:

- (a) the policy is implemented, monitored, and reviewed;
- (b) ensure job advertisements clearly state the requirement for a National Criminal History Records Check;
- (c) screen potential staff and volunteers to identify and avoid recruiting people who are not suitable to work with or around children;
- (d) all staff and volunteers have a current Working With Children Check and have signed the Code of Conduct referred to in Part 4;

- (e) promote acceptable behaviour when dealing with children/young people;
- (f) any reasonable suspicion of abuse or neglect is reported immediately;
- (g) staff and all parties involved are supported if such a case is reported;
- (h) keep appropriate records of child safety concerns;
- (i) if a report is made against a staff member, the Museum Director and Board may decide to make a temporary change to employment/volunteering arrangements; and
- (j) confidentiality is maintained throughout the entire process, in accordance with legislation.

6.3 Obligations of all staff and volunteers

All TWMA staff and volunteers are required to understand their obligation to refer a child protection matter to:

- (a) **(in emergencies)** the Victorian Police or the After Hours Child Protection Emergency Service; or
- (b) **(in non-emergencies)** make a report to the Child Protection services, as soon as practicable if they have a reasonable belief that a child/young person has been, or is being, abused or neglected.

Factors contributing to reasonable belief may be:

- (a) a child states they or someone they know has been abused (noting that sometimes the child may be referring to themselves);
- (b) behaviour consistent with that of an abuse victim is observed;
- (c) someone else has raised a suspicion of abuse but is unwilling to report it;
- (d) observing suspicious behaviour;
- (e) physical abuse, non-accidental or unexplained injury (mandated notifiers must report);
- (f) sexual abuse (mandated notifiers must report);
- (g) emotional abuse or ill treatment;
- (h) persistent neglect, poor care or lack of appropriate supervision;
- (i) persistent family violence, parental substance misuse or psychiatric illness, or intellectual disability;
- (j) a child's actions or behaviour which places them at risk; or
- (k) where a child appears to have been abandoned.

6.4 What to do if an incident is brought to your attention

If an incident is brought to your attention you should take confidential notes on what you have observed and report the incident to the appropriate authority. The person taking your call may ask you for the following information:

- (a) details of all people involved including the child/young person and your details;
- (b) the reason for believing that the injury or behaviour is the result of abuse or neglect;
- (c) an assessment of the immediate danger to the child/young person;
- (d) description of the incident;
- (e) information about the family of the child/young person; or

- (f) any specific cultural details or other details, which will help care for the child/young person.

6.5 Notifying TWMA

If the suspected incident occurs or is suspected to have occurred in connection with TWMA, the staff member or volunteer must immediately notify the Museum Director or the General Manager.

The Museum Director or General Manager, as relevant, must in addition to their other requirements as set out in this Policy or by law:

- (a) promptly conduct a preliminary review of the incident;
- (b) promptly act to ensure the safety of all children;
- (c) notify the relevant authorities if a criminal activity is alleged to have occurred;
- (d) report the incident to the Board; and
- (e) ensure that the incident is appropriately investigated, including providing the person who the complaint is made about the opportunity to reply, and then report the findings of the investigation are reported to the Board.

6.6 Child Safe Practices

If a child reports concerns about safety, staff and volunteers must ensure they are treated with sensitivity. They or their families/carers should be directed toward services that can provide them with the appropriate support to manage a difficult or traumatic experience.

In order to reduce and remove risk to children in the programs, activities and physical environment of the organisation, risk assessments must consider child safety strategies that will create a child friendly environment.

6.7 Risk reduction and management

TWMA believes the wellbeing of children and young people is paramount and is committed to ensuring the proper risk management processes are in place. TWMA proactively assesses and manages risks to children in order to reduce the risk of harm. Reviews of our organisation, including the health and safety processes, include reviews to identify any risks to children. TWMA proactively assesses and manages risks to children in order to reduce the risk of harm.

7 Empowering and listening to children

TWMA values the feedback of all children. TWMA welcomes, supports and enables the participation of children by:

- (a) encouraging children to express their views and ideas;
- (b) listening to the feedback of children;
- (c) encouraging children to raise concerns or complaints; and
- (d) valuing diversity and not tolerating or condoning any discrimination.

8 Contacts

- (a) To report concerns that are life threatening, ring Victoria Police **000**
- (b) To make a report during office hours call your nearest Child Protection Service (8.45am - 5.00pm Monday - Friday) See <https://services.dhhs.vic.gov.au/child-protection-contacts> for further details.

- (c) To report non-life threatening concerns about the immediate safety of a child after hours, call the After Hours Child Protection Emergency Service **131 278** (5pm-9am Monday to Friday / 24 hours on weekends and public holidays)
- (d) Kids Helpline (For children and young people) **1800 551 800**

For questions about this policy, contact either of the following persons:

Victoria Lynn

Position: Museum Director
Tel: +61 (03) 5957 3100
Email: Victoria@twma.com.au
Mail: PO Box 310, Healesville VIC 3777 Australia

Tony Dutton

Position: General Manager
Tel: +61 (03) 5957 3100
Email: Tdutton@twma.com.au
Mail: PO Box 310, Healesville VIC 3777 Australia

9 Related external policies, documents and resources

<https://www.workingwithchildren.vic.gov.au/individuals/applicants/how-to-apply>

Commission for Children and Young People (CCYP) guide for Creating a Child Safe Organisation - <https://ccyp.vic.gov.au/child-safety/resources/guides-and-information-sheets/>

Reporting concerns about children or young people - <https://services.dhhs.vic.gov.au/reporting-concerns-about-children-or-young-people-guide-professionals-word>

[Charter of Human Rights and Responsibilities](#)

[United Nations Convention on the Rights of the Child](#)

[The Royal Commission into Institutional Responses to Child Sexual Abuse](#)

10 Legislation

Child Wellbeing and Safety Act 2005 (Vic) - <https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/030>

Children, Youth and Families Act 2005 (Vic) - <https://www.legislation.vic.gov.au/in-force/acts/children-youth-and-families-act-2005/121>

Failure to disclose offence - <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence>

Failure to protect - <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to>

Working with Children Act 2005 (Vic) - <https://www.legislation.vic.gov.au/in-force/acts/working-children-act-2005/063>