

## CODE OF CONDUCT - CHILD SAFETY

### Introduction

At Habitat for Humanity Victoria (**HFHV**) we are committed to the safety of all children and have a zero tolerance approach to child abuse.

This Code has the objective of promoting child safety at HFHV and protecting all children under its care from sexual, physical, psychological and emotional abuse or neglect.

This Code should be read in conjunction with the HFHV Child Safety Policy and Procedure.

### Scope

This Code applies to all staff employed by HFHV, any volunteer, consultant, Board Member or contractor (**HFHV Personnel**) at HFHV.

This Code applies regardless of:

- the location of where an interaction occurs;
- a child's age;
- a child's consent;
- the consent of parents/guardians and families; and
- circumstances in which the child initiates an interaction or relationship between HFHV Personnel and the child.

### Roles and responsibilities

All HFHV Personnel are responsible for understanding their obligations under this Code and complying with the provisions of this Code as updated from time to time.

This Code has been endorsed by the HFHV Board which is responsible for developing and reviewing this Code to ensure compliance.

### Acceptable behaviours

All HFHV Personnel that come into contact with children on behalf of HFHV are responsible for supporting the safety of those children by:

1. Working towards the achievement of the aims and purposes of the organization.
2. Being responsible for relevant administration of programs and activities in their area.
3. Maintaining a duty of care towards others involved in these programs and activities.
4. Being vigilant and taking all reasonable steps to protect a child from abuse or harm when the child is in their care.
5. Establishing and maintaining a child-safe environment in the course of their work.
6. Being fair, considerate and honest with others.

7. Treating children and young people with respect and valuing their ideas and opinions.
8. Acting as positive role models in their conduct with children and young people.
9. Being professional in their actions and abiding by professional boundaries.
10. Maintaining strict impartiality.
11. Complying with specific HFHV guidelines on physical contact with children.
12. Listening and responding to the views and concerns of a child, particularly if they disclose that they, or another child or young person has been abused or that they are worried about their safety or the safety of another child or young person.
13. Respecting the privacy of children, their families and teachers/careers, and only disclosing information to people who have a need to know.
14. Adhering to and operating within the policies and guidelines of HFHV including to report any allegations of child abuse or child safety concerns in accordance with the HFHV Child Safety procedure.
15. Cooperating with any child safety investigation by HFHV or any regulatory authority including the police.
16. Reporting any suspected breach of this Code by any other HFHV Personnel to the HFHV Child Safety Officer.
17. Contacting the police if a child is at immediate risk of abuse, phone 000.
18. Understanding and complying with all reporting obligations as they relate to mandatory reporting and reporting under the Crimes Act 1958 (Vic) and any other legal reporting obligations.

## **Unacceptable behaviours**

HFHV Personnel must not:

1. Engage in any form of child abuse, including behavior that could constitute grooming.
2. Shame, humiliate, oppress, belittle or degrade children or young people.
3. Unlawfully discriminate against any child, including because of age, gender, race, culture, vulnerability, sexuality, ethnicity or disability.
4. Ignore or disregard any suspected or disclosed child abuse.
5. Engage in any activity with a child or young person that is likely to physically or emotionally harm them.
6. Initiate unnecessary physical contact with a child or young person (for example sitting on laps, massages), or do things of a personal nature for them that they can do for themselves (for example toileting or changing clothes).
7. Be alone with a child or young person unnecessarily and for more than a very short time.
8. Develop a 'special' relationship with a specific child or young person for their own needs such that it could be seen as favoritism, including but not limited to:
  - a. offering gifts or special treatment for specific children;

- b. socialising and meeting with a child outside of work where to do so would be deemed inappropriate; and
  - c. sharing personal details about their private lives with children where to do so would be deemed inappropriate.
9. Arrange contact, including online contact, with children or young people outside of HFHV's programs and activities.
10. Use any personal communication channels/devices such as personal email accounts, social media or instant messenger accounts to make contact with children or young people outside of HFHV's programs and activities.
11. Photograph or video a child or young person without the consent of the child and his/her parents or guardians.
12. Work with children or young people while under the influence of alcohol or illegal drugs.
13. Supply a child or young person with alcohol or drugs.
14. Engage in open discussions of a mature or adult nature in the presence of a child or children.
15. Drive a child or young person in their care, unless they have express parental consent.
16. Use inappropriate language in the presence of children.
17. Do anything contra to HFHV's policies, procedures or this Code of Conduct.

### **What happens if you breach the Code?**

HFHV Personnel that breach this Code may be subject to disciplinary action, including and up to termination of employment or cessation of engagement with HFHV.

HFHV Personnel that are aware of a suspected breach of this Code should refer to the HFHV Child Safety Procedure and can make a report to the Child Safety Officer. All reports will be treated confidentially.

### **Related Documents**

This Code must be read in conjunction with:

- The law of the Commonwealth or of the relevant state or territory;
- Child Protection Policy;
- Child Protection Procedure;
- HFHA Employee Manual

**Adopted:** 24 Sept 2020

**Review date:** on or before 31 August 2023

## DECLARATION

I confirm that I have been provided with a copy of the above Code of Conduct.

I confirm that I have read and understood the Code and understand that I am required to comply with the Code. I acknowledge that if I breach the Code, I may be subject to disciplinary action, including termination of my employment or engagement with HFHV.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# Child Protection Policy Incident report

All incident reports must be stored securely, and password protected to maintain confidentiality. Please contact the Child Protection Officer when lodging this report to communicate any protections added to the document.

If you believe a child is at immediate risk of abuse phone 000.

## Incident details

Date of incident:	
Time of incident:	
Location of incident:	
Date Identified (if different from date of incident)	

Name(s)/Detail of child/children involved:	
Name(s) of staff/ volunteer involved:	

## Please categorise the incident

- Physical violence
- Sexual offence
- Sexual misconduct
- Serious emotional or psychological abuse
- Serious neglect
- Grooming
- Breach of the HFHV Child Protection Code of Conduct
- Reportable Conduct

Make Selection	Comments

## Does the child identify as Aboriginal or Torres Strait Islander?

(Mark with an 'X' as applicable)

No  Yes, Aboriginal  Yes, Torres Strait Islander

## Is the child from a culturally or linguistically diverse background?

(Mark with an 'X' as applicable)

No

Yes, please provide details:

## Does the child have a disability?

*A disability can be any physical, sensory, neurological disability, acquired brain injury, intellectual disability, or developmental delay that affects a child's ability to undertake everyday activities.*

(Mark with an 'X' as applicable).

No

Yes, please provide details:

## Please describe the incident

<b>Overview:</b>  <b>When did it take place and what were the circumstances:</b>	
<b>Who was involved?</b>	
<b>What did you see / hear?</b>	
<b>Other information:</b>	

## Proposed corrective action and mitigation plan:

Action	Responsible Person	Date (Completion)	Status

## Details of person reporting the incident:

<b>Name of person reporting the incident:</b>	
<b>Staff/ Volunteer:</b>	
<b>Contact Details of reporter:</b>	Address: Mobile: Email:

## Office use only:

<b>Date incident report received:</b>		
<b>Child Protection Officer managing incident:</b>		
<b>Incident ref. number:</b>		
<b>Has the incident been reported?</b>	<b>Date Notified</b>	<b>Comments</b>
<b>Child protection</b>		
<b>Police</b>		
<b>Another third party (please specify):</b>		

Prepared: September 2020

## HFHV CHILD PROTECTION PROCEDURE

Policy Title	HFHV Child Protection Procedure		
Unit	Habitat for Humanity Australia (Victoria) Inc.		
Author	Philip Curtis	Authorised by	HFHV Board of Directors
Implementation	Executive Director	Date endorsed	24 Sept 2020
		Date review due	Sept 2023
Version	Final	Reference	HFHV Board Policy 1.

### HFHV Child Protection Procedure

#### REPORTING PROCEDURE

This Reporting Procedure applies to all employees, volunteers, contractors and Board members of HFHV (**workers**), and should be read in conjunction with the HFHV's Child Protection Policy.

#### CONTACTS FOR RELEVANT BODIES

##### Business Hours - Department of Health and Human Services Victoria:

- North Division Intake 1300 664 977
- Eastern Division Intake 1300 360 391
- South Division Intake 1300 655 795
- West Division Intake - rural and regional only 1800 075 599
- West Division Intake – Metro only 1300 664 977

##### After hours and to report concerns about the immediate safety of a child:

- Child Protection Crisis Line(24hours) 13 12 78
- Victoria Police – Sexual Offences & Child Abuse Investigation Team (**SOCIT**)

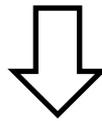
##### Police - SOCIT - Contact Appropriate Local Office:

- North-West Metropolitan 03 8690 4056 (Melbourne)
- Southern Metropolitan 03 8769 2200 (Dandenong)
- Western Victoria 03 5246 8101 (Geelong)

#### STEP 1

- All allegations of breach of the HFHV Child Protection policy should be dealt with promptly, seriously, sensitively and confidentially.
- A person will not be victimized for reporting an allegation of harm to or abuse of a child and the privacy of all persons concerned will be respected.
- When an adult forms a reasonable belief that a sexual offence has been committed in Victoria against a child under 16 years old by another person aged 18 years or older, that person must make a report to the police as soon as possible.
- Any person that forms a belief on reasonable grounds that a child is in need of protection from child abuse (physical, sexual, emotional, psychological or neglect), *may* disclose that information to the Police or the Department of Health and Human Services ("**DHHS**"). HFHV encourages all persons with concerns to raise this directly with the CPO.

- In the event that the allegation is raised against the Executive Director or CPO, the Chair of the Board will be notified, who can assist the person to make the report to DHHS as required.
- All reports of breach of the HFHV Child Protection Policy are to be recorded in writing and notified to the CPO along with any action taken regarding the reported breach.
- The written Report should be in the form annexed to this policy as Schedule I.
- The CPO is to keep a written record of reports of breaches. Eg a person in charge of a build day would record that a person hugged a child of a homeowner partner. The action taken was to warn the person that the behaviour was not appropriate.
- The worker should discuss these observations and concerns with a CPO and/or Executive Director, who can assist the person to make the report to DHHS as required.



#### **STEP 2A – Internal Report to CPO**

- The person responsible for the HFHV activity at the time must consider whether any person who they reasonably suspect of breaching HFHV Policy should leave the activity. This need not happen if there are grounds to conclude that they are satisfied that the breach was accidental and minor and that the interests and welfare of any child participating in the HFHV activity will not be adversely affected by the person remaining on the site.
- The CPO is to take all reasonable steps to ensure that any person who may have breached the HFHV Child Protection Policy is not involved in any other activity of HFHV until the possible breach has been dealt with which may involve the formal standing down of the person and investigation of the allegations.
- The CPO must provide a written report to the Executive Director of HFHV concerning:
  - any behaviour which appears to be criminal behaviour and is to be reported to police if it has not already been reported; and /or
  - any behaviour which raises a real concern that a child is at serious risk of harm or abuse to the appropriate statutory child protection authority.
- The Executive Director of HFHV must then act on the report as soon as practicable
- The CPO is to immediately prepare a written report regarding any alleged or suspected breach of this policy and provide it to the Executive Director of HFHV who will then report the matter to the Board of HFHV at the earliest opportunity. The Executive Director of HFHV should include a recommendation in the report as to further action to be taken and any action that has been taken.
- If the person who is the subject of an alleged or suspected breach of this policy is the Executive Director, the CPO is instead to provide the report to the Chair of the HFHV Board who is to have the same responsibilities as the Executive Director of HFHV in relation to such matters
- If the person who is the subject of an alleged or suspected breach of this policy is the Executive Director and also the CPO then the person reporting the allegation or suspected breach of this policy shall report the matter directly to the Chair of the HFHV Board. The Chair shall then prepare the report and shall have the same responsibilities as the Executive Director of HFHV in relation to such matters. The

Chair shall then report the matter to the Board of HFHV at the earliest opportunity.

- HFHV must maintain a register to record any reports of breaches of the Child Protection policy and reports of child protection concerns. The CPO appointed from time to time is responsible for keeping the register up to date.
- The HFHV Board must deal with any reported breach of this policy in a timely matter. The HFHV Board may conduct its own inquiries but should not pursue those inquiries while there is an ongoing police or child protection inquiry or investigation.
- When a written report is made under the provisions of this procedure the HFHV Board is to determine whether the conduct reported represents an unacceptable risk to the welfare of the child or children involved, and that of other children who may be affected by the person or persons involved in the alleged conduct by participating in future HFHV activities.
- If satisfied that such a risk exists, the Board must decide what steps are to be taken to ensure that the risk is appropriately dealt with and managed. These steps may include, but are not limited to:
  - Reporting the matter to the police or child protection authorities if it has not already been reported (see step 2B below).
  - Excluding a person from all future activities of HFHV either indefinitely or for a specified period of time.
  - Communicating with the parents or guardians of the children involved.
  - Undertaking an independent investigation into the alleged abuse or cooperation with any investigation by the police or child protection authorities.
  - Suspending a person from activities of HFHV until specified conditions have been satisfied. The conditions may include self-funded involvement in child protection education.
  - Deciding that the person can only participate in HFHV activities under supervision required by HFHV.
  - Involvement with activities that do not involve contact with children.
  - Warning a person regarding the appropriateness of their behaviour.
  - Providing appropriate information to HFHV staff and other people supervising HFHV activities to ensure that a person complies with any conditions imposed by the HFHV Board upon a person regarding child protection matters and/or this policy.
  - Further education on the HFHV Child Protection Policy and the Code of Conduct.



### **STEP 2B – External Report to DHHS or Police**

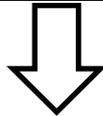
The following guides the process for making a report to DHHS and/or the police

#### **Making a Report**

- Ring DHHS and ask for Child Protection.
- AND/OR
- Ring the police on 000.

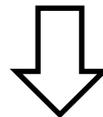
#### **Information for Making a Report:**

- Name, age and address of child (if you have that information).
- The reason for suspecting that the behaviour or injury is a result of abuse.
- An assessment of the immediate danger to the child.
- A description of the injury or behaviour observed.
- The current whereabouts of the child.
- Any other information about the family.
- Any specific cultural details, e.g. English speaking, disability, etc.
- Ask that HFHV be informed of each step of the procedure.
- Request that if an interview is to take place at HFHV the visiting police officer/Commission representative is in plain clothes and the time of the interview is specified so that appropriate arrangements for a meeting room can be organised.
- When a person informs a CPO that he/she is to make or has made a report, the CPO will discuss the matter with the Executive Director or Chair of the HFHV Board and will offer support to the child and the reporter.
- If the complainant alleges that a crime has been committed by a worker that person will be stood aside immediately.
- The Executive Director (or Chair of the Board if the allegation involves the Executive Director) will conduct an investigation into the allegation to the extent that it will not interfere with any investigations by DHHS and/or the police and will co-operate with the authorities as required.
- HFHV will secure and retain records of the allegation of child abuse and HFHV's response to it.



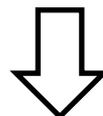
### **STEP 3**

If the child is agreeable to be interviewed by DHHS and/or the police, the CPO should offer to be present at the interview to give support to the child (unless the complaint involves the CPO and then the Executive Director or Chair of the Board can offer to be present).



### **STEP 4**

Following a report, DHHS and/or the police may need to contact the Executive Director about the notification.

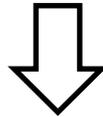


### **STEP 5**

Following a report, it is important to protect confidentiality and the interests of the child and family at all times.

**Special comments:**

- DHHS will only interview the child if he/she is agreeable.
- The family will not be contacted until it is believed there is a case and the child is at risk.
- If the incident which caused the report to be made has occurred in the past - the child may be seen to be no longer at risk and no further action may be taken.
- The identity of the person making a notification will be kept confidential (except when that information is required in a court case) unless that person gives permission for the information to be divulged.
- Throughout the entire process of observation, discussion and reporting, the interests of the child and their family should be protected from unnecessary disclosure of information concerning abuse.
- Following the making of a report, any investigation that takes place by that external authority (i.e. DHHS or the police) is the responsibility of that authority.



#### **STEP 6:**

After the independent investigation has concluded in Step 2A or 2B, the Executive Director will:

- maintain a record of the investigation findings and reasons; and
- notify the alleged perpetrator of the proposed disciplinary or other action to be taken in response to the allegation.

HFHV will provide support and counselling where appropriate to any individuals impacted by the alleged abuse of a child at an HFHV activity, including the child and alleged perpetrator.

#### **RELATED DOCUMENTS**

- This policy must be read in conjunction with:
  - The law of the Commonwealth or of the relevant state or territory;
  - Child Protection Code of Conduct;
  - Child Protection Policy;
  - HFHA Employee Manual

Schedule 1 [HFHV Child Protection Policy Incident report template]

# Child Protection Policy Incident report

All incident reports must be stored securely, and password protected to maintain confidentiality. Please contact the Child Protection Officer when lodging this report to communicate any protections added to the document.

If you believe a child is at immediate risk of abuse phone 000.

## Incident details

<b>Date of incident:</b>	
<b>Time of incident:</b>	
<b>Location of incident:</b>	
<b>Date Identified (if different from date of incident)</b>	

<b>Name(s)/Detail of child/children involved:</b>	
<b>Name(s) of staff/ volunteer involved:</b>	

## Please categorise the incident

	Make Selection	Comments
<b>Physical violence</b>		
<b>Sexual offence</b>		
<b>Sexual misconduct</b>		
<b>Serious emotional or psychological abuse</b>		
<b>Serious neglect</b>		
<b>Grooming</b>		
<b>Breach of the HFHV Child Protection Code of Conduct</b>		
<b>Reportable Conduct</b>		

## Does the child identify as Aboriginal or Torres Strait Islander?

(Mark with an 'X' as applicable)

No

Yes, Aboriginal

Yes, Torres Strait Islander

### Is the child from a culturally or linguistically diverse background?

(Mark with an 'X' as applicable)

No	<input type="checkbox"/>	Yes, please provide details:	
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### Does the child have a disability?

A disability can be any physical, sensory, neurological disability, acquired brain injury, intellectual disability, or developmental delay that affects a child's ability to undertake everyday activities.

(Mark with an 'X' as applicable).

No	<input type="checkbox"/>	Yes, please provide details:	
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### Please describe the incident

<b>Overview:</b>	
<b>When did it take place and what were the circumstances:</b>	
<b>Who was involved?</b>	
<b>What did you see / hear?</b>	
<b>Other information:</b>	

Proposed corrective action and mitigation plan:

Action	Responsible Person	Date (Completion)	Status

Details of person reporting the incident:

<b>Name of person reporting the incident:</b>	
<b>Staff/ Volunteer:</b>	
<b>Contact Details of reporter:</b>	Address: Mobile: Email:

Office use only:

<b>Date incident report received:</b>		
<b>Child Protection Officer managing incident:</b>		
<b>Incident ref. number:</b>		
<b>Has the incident been reported?</b>	<b>Date Notified</b>	<b>Comments</b>
<b>Child protection</b>		
<b>Police</b>		
<b>Another third party (please specify):</b>		

Prepared: September 2020

## HFHV CHILD PROTECTION POLICY

Policy Title	HFHV Child Protection Policy		
Unit	Habitat for Humanity Australia (Victoria) Inc.		
Author	Philip Curtis	Authorised by	HFHV Board of Directors
Implementation	Executive Director	Date endorsed	24 Sept 2020
		Date review due	31 August 2023
Version	Final	Reference	HFHV Board Policy 1.

### Habitat for Humanity Victoria's Mission

Habitat for Humanity Australia (Victoria) Inc. (**HFHV**) is committed to reducing poverty by building safe, decent and affordable houses in partnership with the community and with those in need.

HFHV recognises and is committed to the principles enshrined in Article 19 of the UN Convention on the Rights of the Child that all children, wherever they may live and whatever their circumstances, have the right to be protected, nurtured and free from all forms of violence, abuse, neglect, maltreatment and exploitation.

### HFHV Child Protection Policy

#### Introduction to the policy

1. The aim of this policy is to ensure that HFHV takes all possible steps to ensure that the children involved in its activities are protected against all forms of child abuse.
2. Most of HFHV's activities do not involve working with or providing services to children or young people. However, in the conduct of our work, HFHV has a zero tolerance for all forms of child abuse and understand that we are responsible for the care and safeguarding of children. This policy applies to all aspects of HFHV activities and programs, and especially to those which involve more than occasional direct contact with children including, but not limited to:
  - When children volunteer to assist on a building site;
  - When children volunteer to assist in a BWK or Home Repairs activity;
  - When children volunteer in an HFHV office or at an HFHV Restore; and
  - When children from partner families have contact with HFHV personnel on a building site or a BWK or Home Repairs Activity.
3. HFHV is an Affiliate of HFHA which has adopted its own child protection policy and required that HFFIV adopt a similar child protection policy. The adoption of this policy gives effect to that requirement.

## Policy objectives

4. HFHV is committed to:
- creating 'child safe' environments;
  - promoting a culture of child safety;
  - ensuring that it undertakes appropriate screening in the appointment of new personnel;
  - ensuring it has policies procedures and systems in place to prevent and respond to child abuse claims;
  - taking appropriate risk management steps to ensure the safety of children;
  - responding promptly to any allegation or suspicion of child abuse;
  - reporting allegations of abuse to the authorities where appropriate; and
  - offering support to any person who has suffered abuse.

## Principles

5. HFHV is committed to the following principles under this policy:
- All children have a right to safety and HFHV is obliged to provide a child safe environment.
  - Working towards an organisational culture of child safety, where child safety has been embedded in HFHV leadership and governance.
  - HFHV has a duty of care to all children that come into contact with an HFHV activity.
  - All decisions regarding the welfare and protection of children are to be made in the best interests of the child.

## Definitions

6. The following definitions have been used in this policy:

**Abuse** means all forms of physical, sexual, emotional or psychological abuse and neglect and includes actions that result in actual or potential harm to a child. It also includes grooming.

**BWK/Home Repairs** means Brush With Kindness or Home repairs activity involving small maintenance or repair tasks.

**Child** means a person under the age of 18 years.

**CPO** means Child Protection Officer.

<b>Executive Director</b>	means the Executive Director of HFHV.
<b>Grooming</b>	means predatory conduct undertaken to prepare a child for sexual activity at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with a child or their parent/carer.
<b>Guardian</b>	means an adult other than a parent who has been legally appointed to care for a child or who has been given written permission by a parent to involve a child in a HFHV activity.
<b>HFHV activity</b>	means any activity organised by HFHV which includes, but is not limited to: <ul style="list-style-type: none"> <li>• an activity organised by a Chapter endorsed and approved by HFHV;</li> <li>• activities on a building site including construction work;</li> <li>• a Brush With Kindness or Home Repairs activity;</li> <li>• work at a Restore; or</li> <li>• work at an office of HFHV.</li> </ul>
<b>HFHA</b>	means Habitat for Humanity Australia Ltd (ACN 131 976 004).
<b>HFHV</b>	means Habitat for Humanity Australia (Victoria) Inc. (ABN: 65 023 265 336).
<b>HFHV Personnel</b>	means staff employed by HFHV, any volunteer, consultant or contractor deemed by the Executive Director to have or likely to have more than occasional direct contact with a child or children at an HFHV activity.

### **Implementation of this policy**

7. The Board of HFHV and the Executive Director are to ensure that they are familiar with this policy and are responsible for its implementation.

### **Application of this policy**

8. This policy shall apply to:
  - Board members of HFHV; and
  - All HFHV Personnel
9. The above individuals are to be provided with a copy of this policy on induction or

request or made aware of how they can obtain a copy, and required to acknowledge that they have read it and will agree to comply with it.

10. For each HFHV activity involving children, it is the responsibility of the Executive Director, together with the person in charge of the HFHV activity to ensure that this obligation has been complied with before the HFHV activity commences.

## **Prevention**

To meet our child safety commitment HFHV implements the following:

### Recruitment

11. HFHV is committed to the proper recruitment, selection and screening of all people involved in HFHV activities which involve children.
12. HFHV's approach to screening such staff includes Criminal Records checks, Working with Children checks, professional and personal reference checks, proof of identity and qualifications. HFHV's approach to screening volunteers who are likely to have more than occasional direct contact with children at an HFHV activity includes at a minimum Criminal Records checks and Working with Children checks.
13. It is the responsibility of the CPO to record, check and ensure all relevant HFHV Personnel have a current and valid working with children check before they commence work with HFHV and engage in activities which involve children.
14. It is mandatory for all new staff and volunteers to undergo these selection and screening processes if they are likely to come into more than occasional direct contact with children at an HFHV activity.
15. Upon commencement, all staff and volunteers will be provided with appropriate induction and training in relation to child safety and protection.

### Code of Conduct

16. HFHV has documented a Code of Conduct, setting out the appropriate behaviours for all people to whom this policy applies. The Code of Conduct establishes clear boundaries and describes acceptable and unacceptable behaviours. Failure to comply with the Code of Conduct may result in disciplinary action, including termination of employment or of the volunteer role.

### Communication

17. HFHV will endeavor to communicate and disseminate the Child Protection Policy, Procedure and Code of Conduct in the manner below:

#### *Child Protection Policy*

- Website
- Drives and Folders
- Induction training and refresher sessions for HFHV Personnel and board

members;

- Induction packs (where appropriate)

#### *Child Protection Procedure and Code of Conduct*

- Drives and Folders
- Induction training and refresher training sessions for HFHV Personnel and board members
- Induction packs (where appropriate)

18. Where a HFHV activity includes children, HFHV will endeavor to communicate the child safety practices and code of conduct in an accessible manner for the children and younger people.

### **Risk Assessment**

19. HFHV will undertake assessments on a regular basis in order to assess the possible risk to children in relation to HFHV activities. This will include working through the following process:
- a. Determining the level of contact with children the HFHV activity is likely to involve.
  - b. Determining what child protection controls are in place.
  - c. Identifying whether any additional steps ought to be taken to protect children, including further training, support and supervision of personnel.
20. The presence of a child at the site of a HFHV activity must be subject to consideration of whether there is an unacceptable risk posed to the particular child. This principle governs all other aspects of this policy. Risks to be considered include the child's physical capacity, the child's ability to understand and follow instructions and the level of supervision to be provided by a parent or Guardian, or the staff and volunteers of HFHV

### **Compliance with law**

21. HFHV will seek to ensure it complies with any Commonwealth or State law regarding the protection of children. This policy is to be read subject to any such law.

### **Child Protection Officer**

22. HFHV will appoint a Child Protection Officer (CPO) who is trained in this Child Protection policy. This person may be a member of staff, an HFHV Board member or another suitable person appointed to this role. It is the responsibility of HFHV to ensure appropriate training of the CPO.
23. All HFHV Board and staff members and at least one person at Chapter level must know who the CPO is and how to contact them as necessary. The person in charge of any HFHV activity in which children are involved must also know the name and contact details of the CPO.

## Dealing with policy breach or child protection concerns

24. Any adult Board member or HFHV Personnel must comply with all applicable reporting obligations and in accordance with the Child Protection Procedure. The obligations are set out below.
25. HFHV supports and encourages any adult Board member and HFHV Personnel that has information that leads them to form a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person of or over the age of 18 years in the context of a HFHV activity to:
- a. disclose that information to a member of the Victorian police force as soon as practicable unless they have a reasonable excuse under sections 327 - 330 of the *Crimes Act 1958* (Vic);
  - b. cooperate fully with any police investigation;
  - c. disclose that information to the person responsible for the HFHV activity at the time as soon as practicable; and
  - d. not disclose that information to any other individual to avoid compromising the welfare of the child and future investigations.

*NB: Failure to comply with this provision may lead to personal criminal conviction.*

26. Any adult Board member or HFHV Personnel that has information that leads them to form a reasonable belief that a child is in need of protection may:
- a. report to a protective intervener (DHHS) that belief and the reasonable grounds for it;
  - b. cooperate fully with any investigation conducted by the protective intervener;
  - c. disclose that information to the person responsible for the HFHV activity at the time as soon as practicable; and
  - d. not disclose that information to any other individual to avoid compromising the welfare of the child and future investigations.

*NB: this is a discretion to report not an obligation*

27. Any adult Board member or HFHV Personnel that has information that leads them to form a reasonable belief that a child involved in an HFHV activity has suffered abuse must:
- a. disclose that information to the person responsible for the HFHV activity at the time as soon as practicable;
  - b. cooperate fully with any investigations; and
  - c. not disclose that information to any other individual to avoid compromising the welfare of the child and future investigations.
28. If a report is received by a person responsible for an HFHV activity under clauses 25 or 26 or 27, the person must report the matter to the CPO as soon as practicable in

accordance with the Child Protection Procedure.

29. All allegations of breach of the Code of Conduct in relation to a child in the context of a HFHV activity must be reported to the CPO as soon as practicable.
30. If it is alleged that a Board member or HFHV Personnel may have committed an offence or have breached the HFHV's policy or its Code of Conduct, the person concerned shall be stood down (with pay, where applicable) while an investigation is conducted.
31. Any investigation will be conducted according to the rules of natural justice and every effort will be made to keep any investigation confidential, however, from time to time other workers may need to be consulted in conjunction with the investigation.
32. Any such investigation will be conducted after ensuring it does not conflict with any investigation of the authorities.
33. If the investigation concludes that on the balance of probabilities an offence (or breach of HFHV's policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including termination of employment or engagement with HFHV. The findings of the investigation may also be reported to any external body as required.

### **What is a reasonable belief?**

34. A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.
35. For example, a 'reasonable belief' might be formed when:
  - a child states that they have been sexually abused
  - a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
  - someone who knows a child states that the child has been sexually abused
  - professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
  - signs of sexual abuse leads to a belief that the child has been sexually abused.

### **Are there any excuses for not reporting child sexual abuse to police under clause 25?**

36. A person will not be obliged to report to the police under clause 25(a) if he or she has a reasonable excuse for not disclosing the information. A reasonable excuse includes:
  - fear for safety
  - where the information has already been disclosed to the police.

### **What is not a reasonable excuse?**

37. A person does not have a reasonable excuse for failing to disclose sexual abuse to the police under clause 25 if they are only concerned for the perceived interests of the perpetrator or HFHV or HFHA. 'Perceived interests' includes reputation, legal liability or financial status.
38. For example, a HFHV employee should report to the police under clause 25, even if they are concerned about the potential impact on the reputation of HFHV.

### **Review process**

39. This policy shall be reviewed every three years, or as required to meet legislative changes, by the Board of HFHV, the Executive Director and the CPO. The next review date is on or before 31 August 2023

### **Related Documents**

- This policy must be read in conjunction with:
  - The law of the Commonwealth or of the relevant state or territory;
  - Child Protection Code of Conduct;
  - Child Protection Procedure
  - HFHA Employee Manual