

DUTY OF CARE (INCLUDING CHILD CODE OF CONDUCT - CHILD SAFETY AND WELLBEING) POLICY AND PROCEDURE



Date of Implementation: 12 March 2025

Authorisation: Chief Executive Officer

POLICY

This policy and procedure reflect and enhances Lead Institute core values and ethical activity at the highest level. These core values, while important to all ages, are of the highest priority for young people to have the right to an environment where they are treated with respect, integrity and safety, with an absolute right to be protected from harm in its many forms.

CHILD CODE OF CONDUCT - CHILD SAFETY AND WELLBEING

All Lead Institute personnel are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children and are responsible for supporting the safety, participation, wellbeing and empowerment of children by:

- Adhering to Lead Institute **Duty of Care** (Including Child Code of Conduct) Policy and Procedure at all times upholding Lead Institute's Statement of Commitment to Child Safety at all times.
- Participating in all compulsory training and professional development including training on child safety and wellbeing.
- Treating all children and young people with respect, regardless of race, sex, gender identity, sexual orientation, language, religion, political or other opinion, nationality, cultural background, financial situation, disability or other characteristics.
- Taking all reasonable steps to protect children from abuse.
- Listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another child.
- Promoting the cultural safety, participation and empowerment of Aboriginal children.
- Promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds.
- Promoting the safety, participation and empowerment of children with a disability.
- Ensuring as far as practicable that adults are not left alone with a child.
- Reporting any allegations of child abuse to the **Child Safety Officers**, Lead Institute Chief Executive Officer and ensure any allegation is reported to the police or child protection.
- Reporting any child safety concerns to the **Child Safety Officers** and Lead Institute Chief Executive Officer. If an allegation of child abuse is made, ensure as quickly as possible that the child(ren) is safe.
- Encouraging children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them.
- Promoting friendships and encourage children and young people to support their peers.
- Reporting any conflicts of interest I have (such as an outside relationship with a child) that may affect my ability to perform my role.
- Respecting the privacy of children and their families, including keeping all personal information confidential unless required by law to share it.
- Informing parents and carers if there are situations that need to be safely managed but are outside the boundaries of this Child Code of Conduct (such as undertaking one-on-one training sessions).
- Upholding the rights of the child and always prioritising their needs.

PERSONNEL MUST NOT:

- Develop any 'special' relationships with children that could be seen as favouritism.
- Exhibit behaviours with children which may be construed as unnecessarily physical.
- Put children at risk of abuse.
- Do things of a personal nature that a child can do for themselves.
- Engage in open discussions of a mature or adult nature in the presence of children.
- Use inappropriate, hurtful or offensive behaviour or language in the presence of children.
- Express personal views on cultures, race or sexuality in the presence of children.
- Discriminate against any child, including because of culture, race, ethnicity or disability.
- Have organised contact with a child or their family outside of our organisation without our child safety officer's knowledge and / or consent.
- Have any inappropriate online contact with a child or their family.
- Ignore or disregard any suspected or disclosed child abuse.
- Condone or participate in illegal, unsafe, abusive or harmful behaviour towards children – this includes physical violence, sexual abuse, emotional or psychological abuse, grooming, neglect or sexual misconduct.
- Ignore or disregard any concerns, suspicions or disclosures of child abuse or harm.
- Exaggerate or trivialise child abuse issues.
- Fail to report information to police if I know a child has been abused.
- Touch children in a way that is unnecessary or unsuitable and falls outside what is reasonable for Lead Institute's services delivery purposes.
- Persistently criticise and/or denigrate a child.
- Deliberately prevent a child from forming friendships.
- Verbally assault a child or create a climate of fear.
- Offer children and young people alcohol, cigarettes or other drugs.
- Show children pornographic images, share details of sexual experiences with a child or use sexual language or gestures in the presence of children.
- Have unauthorised contact with children and young people online, on social media or by phone.
- Take photographs, screenshots or share images of children involved in activities that are not authorised or required for Lead Institute's service delivery activities.
- Be alone with a child when there is no professional reason for doing so.

By observing these standards all personnel acknowledge individual responsibility to immediately report any breach of this Child Code of Conduct to the **Child Safety Officers** and Lead Institutes Chief Executive Officer.

All third-party contractors are also expected to abide by the Child Code of Conduct, and where they are engaging with children will have to sign an agreement to comply with the code, prior to delivering any services.

Lead Institute enforces this policy, the Child Code of Conduct and any other child safety and wellbeing policies. Potential breaches by anyone will be investigated and may result in restriction of duties, suspension or termination of employment or engagement or other corrective action.

Some breaches of this Child Code of Conduct may need to be reported to the Police, or to the relevant Commission for Children and Young People. Our complaint handling processes below provide more information about our reporting obligations to external authorities as well as describing protections and confidentiality provisions for anyone making a report.

If any person in a position of authority within our organisation becomes aware of a substantial risk that a child may become the victim of a sexual offence committed by an adult associated with the organisation (for example, an employee, contractor or volunteer), and they have the power or responsibility to reduce or remove the risk, then they must take all reasonable steps to do so.

A person in authority who negligently fails to take appropriate action to address the risk may be charged with the criminal offence of 'failing to protect' and may face a term of imprisonment. If an adult reasonably believes a sexual offence has been committed by an adult against a child under the age of 16, they must report it to Police by calling 000 or going to their local police station. Failure to disclose the information may be a criminal offence.

LEGISLATIVE FRAMEWORK

Providing services nationally, Lead Institute has implemented a Child Safe Framework aligned to national legislative requirements including, but is not limited to:

- *United Nations Convention on the Rights of the Child.*
- *Children and Young People Act 2008 (ACT);*
- *Child Protection (Working with Children) Act 2012 (NSW);*
- *Care and Protection of Children Act 2014 (NT);*
- *Commission for Children and Young People and Child Guardian Act 2000 (QLD);*
- *Children's Protection Act 1993 (SA);*
- *Working with Children Act 2005 (VIC);*
- *Child Wellbeing and Safety Act 2005 (VIC) (including Child Safe Standards);*
- *Children, Youth and Families Act 2005 (VIC);*
- *Crimes Act 1958 (VIC);*
- *Wrongs Act 1958 (VIC);*
- *Registration to Work with Vulnerable People Act 2013 (TAS); and*
- *Working with Children (Criminal Record Checking) Act 2004 (WA).*

LEGISLATIVE FRAMEWORK

Lead Institute follows all child safe requirements as required by the states in which it operates, specifically:

QLD: Department of Families, Seniors, Disability Services and Child Safety and the related Safe Environment Map for education providers. For example under the QLD Child Protection Act 2012, Child Protection Regulation 2013, all employees must hold a current Working with Children Check (Blue Card).

NSW: Office of the Children's Guardian. For example under NSW Child Safe Scheme, all child-related organisations in NSW should apply the NSW Child Safe Standards to better prevent and respond to child abuse. The Working With Children Check (WWCC) is a requirement for anyone who works or volunteers in child-related work in NSW.

VIC: The Victorian Child Protection Service is a specially targeted to support those children and young people at risk of harm. The Working with Children Check is a requirement for anyone who works or volunteers in an Educational Institution for children including institutions providing children's study or training programs.

WA: The Western Australian Government has defined a child-related work 'under Section 6 of the WWC Act: Work is child-related work if the usual duties of the work involve, or are likely to involve, contact with a child in connection with doing paid or volunteer work or carrying out a business in connection with an Education Institution for children

CHILD SAFETY OFFICERS

Lead Institute has appointed a child safety officer for its RTO operations, being the designated person to hear or be informed about all allegations or concerns and providing support to other personnel.

Lead Institute Child Safety Officers

Brigid Sweeney and Karen Powell

compliance@leadinstitute.edu.au

1300 170 895

Our designated **Child Safety Officers** provides a single contact for children, parents and personnel to seek advice and support regarding the safety and wellbeing of children.

PROMOTING AND CELEBRATING YOUNG PEOPLE'S IDENTITY

This policy and procedure are underpinned by the understanding that all children are vulnerable, however is conscious of the increased level of vulnerability of:

- Aboriginal children
- Those from culturally and linguistically diverse backgrounds
- Children with disabilities

To create a sense of identity and belonging for Aboriginal children, Lead Institute has in place a range of strategies including:

- Culturally appropriate symbols on campus through its welcoming plaques at reception

PARTICIPATION OF YOUNG PEOPLE AS STUDENTS

- Due to the nature of Lead Institute operations and student target groups, it is exposed to moderate levels of young people, and their views are as important as any other Lead Institute student. Young people's views are sought out through formal and informal feedback as part of Lead Institute quality practices. Any informal or formal feedback including any complaints from a young person, parent or employee regarding an issue will be pursued without fear or favour to those who are responsible, on the basis that principles of both legal and natural justice are applied at all times.

RECRUITMENT PRACTICES

Lead Institute takes all reasonable steps to ensure that personnel employed by the organisation are suitable and appropriate to work with children and young people. Procedures are in place to ensure that all new and current employees will be assessed for working with children and young people and must hold a current Working with Children Check. All criminal history information is dealt with in accordance with the standards developed by the governments.

IMMEDIATE NOTIFICATIONS TO AUTHORITIES

Child Abuse

Child / Children means a person who is under the age of 18 years

Child abuse means:

- A sexual offence committed against a child.
- An offence committed against a child, such as grooming.
- Physical violence against a child.
- Causing serious emotional or psychological harm to a child.
- Serious neglect of a child.

Harm is damage to the health, safety or wellbeing of a child or young person, including as a result of child abuse by adults or the conduct of other children. It includes physical, emotional, sexual and psychological harm. Harm can arise from a single act or event and can also be cumulative, that is, arising as a result of a series of acts or events over a period of time.

Reporting child abuse is a community-wide responsibility. Child abuse includes any act committed against a child involving:

- Physical violence;
- Sexual offences;
- Serious emotional or psychological abuse; and
- Serious neglect.

CONCERNS AND COMPLAINTS

A concern refers to any potential issue that could impact negatively on the safety and wellbeing of children. A complaint is an expression of dissatisfaction related to one or more of the following:

- Our services or dealings with individuals.
- Allegations of abuse or misconduct by a staff member, a volunteer or another individual associated with Lead Institute
- Disclosures of abuse or harm made by a child or young person.
- The conduct of a child or young person at Lead Institute
- The inadequate handling of a prior concern.
- General concerns about the safety of a group of children or activity.

All Lead Institute personnel are required to report to police if they know or reasonably believe that a sexual offence has been committed by an adult against a child under the age of 16. It is a criminal offence (failure to disclose) to fail to comply with this obligation across jurisdictions.

Lead Institute will not condone or tolerate any form of harm or any risk of harm to a young person. Lead Institute accepts its responsibilities to report under the state Mandatory Reporting Guidelines.

All employees are authorised as mandated reporters and are made aware of their obligations to:

- Call Police on 000 if a child is in immediate risk
- Notify the relevant State/Territory Child Abuse Report Line as soon as practical if they have a reasonable suspicion that a young person is experiencing harm or is at risk of harm.
- Australian Capital Territory Child Protection Line - 1300 556 728
- New South Wales Child Protection Line - 13 21 11
- Northern Territory Child Protection Line - 1800 700 250
- Queensland Child Safety Line - 1800 177 135
- South Australia Child Abuse Report Line - 13 14 78
- Tasmania Child Protection Line - 1300 737 639
- Victoria Child Protection Crisis Line - 13 12 78
- Western Australia Child Protection Line - 1800 273 889
- And only after notifying the authorities, reporting the matter to Lead Institute Chief Executive Officer as soon as practical.

STUDENTS AND FAMILY SUPPORT

Should a student be placed in a position of harm or at risk of harm and only after notifying those authorities and on their advice about the appropriateness of the timing, the Chief Executive Officer will meet with the student and their family/guardian as soon as practical to determine the range of internal and external support that may be required.

TRAINING AND SUPERVISION

Lead Institute culture aims for all individuals to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns.

Lead Institute has specific policies, procedures and training in place that support our leadership team and personnel to achieve these commitments. We support personnel through ongoing supervision to ensure they understand our organisation's commitment to child safety and that everyone has a role to play in protecting children from abuse, as well as checking that their behaviour towards children is safe and appropriate.

All management, staff and volunteers are required to complete annual child safety training. Training undertaken is recorded in the Professional Development Register and each individual's HR file.

RECORD KEEPING

Lead Institute is committed to making and keeping full and accurate records about all child-related complaints or safety concerns. All child safety complaints, concerns, incidents and near misses are recorded in the incident reporting system.

Records that assist with the investigation of a complaint or safety concern are identified and kept as part of the record of an investigation. Records are kept even if an investigation does not substantiate a complaint. We record and keep the outcome of any investigations, and the resolution of any complaints. This includes findings made, reasons for decisions and actions taken.

Records are stored securely and kept by Lead Institute for at least 45 years.

REGULAR REVIEW

Lead Institute reviews this policy regularly and following any significant incidents should it occur. Reviews inform our approach to continuous improvement of our child safety practices.

Complaints, concerns and safety incidents are analysed to identify causes and systemic failures to inform continuous improvement.

Reviews are overseen by the Management and are informed by consultation with children, families and staff. Reports on the findings of relevant reviews are accessible to staff and volunteers, community and families and children and young people.

WORKING WITH CHILDREN CHECK

All Lead Institute personnel are required to undertake, as a component of the recruitment process, a Working With Children Check (WWCC) to ensure suitability in meeting Lead Institute legislative and contractual obligations. Working With Children Checks are valid for and must be renewed every three years.

<https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/regulated-industries-and-licensing/blue-card>

STATE AND TERRITORY REQUIREMENTS

In addition to the above national check, the following state jurisdictional checks also apply to Lead Institute personnel provided services in these jurisdictions. Personnel must have completed and provided an appropriate check prior to commencing employment or engagement:

Jurisdiction	Contact Details
Australian Capital Territory	<p>All personnel providing services in the Australian Capital Territory must undertake registration with the Statutory Screening Unit in line with the Children and Young People Act 2008 (ACT). Checks are valid for three years.</p> <p>https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804/kw/working%20with%20children%20check&!tabs-1</p>
New South Wales	<p>All personnel providing services in New South Wales must undertake screening in accordance with the requirements of the Child Protection (Working with Children) Act 2012 (NSW). Checks are valid for five years.</p> <p>http://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check</p>
Northern Territory	<p>All personnel providing services in Northern Territory must undertake a Working with Children Check know as a 'Clearance Notice' as per the Care and Protection of Children Act 2014 (NT). Checks are valid for two years.</p> <p>https://nt.gov.au/emergency/community-safety/apply-for-a-working-with-children-clearance</p>
Queensland	<p>All personnel providing services in Queensland must obtain a Suitability Card or blue card in accordance with the requirements of the Commission for Children and Young People and Child Guardian Act 2000 (QLD). Checks are valid for two years.</p> <p>http://www.bluecard.qld.gov.au/</p>
South Australia	<p>All personnel providing services in South Australia must undertake screening in accordance with the requirements of the Children's Protection Act 1993 (SA). Checks are valid for three years. http://screening.dcsi.sa.gov.au/</p>

Tasmania	<p>All personnel providing services in Tasmania must undertake screening in accordance with the requirements of the Registration to Work with Vulnerable People Act 2013 (TAS). Checks are valid for three years.</p> <p>http://www.justice.tas.gov.au/working_with_children</p>
Victoria	<p>All personnel providing services in Victoria must undertake a Victorian "Working with Children" check as a component of the recruitment process, in line with the Working with Children Act 2005 (VIC). Checks are valid for five years.</p> <p>http://www.workingwithchildren.vic.gov.au/</p>
Western Australia	<p>All personnel providing services in Western Australia must undertake a Working with Children Check by the Working with Children Screening Unit of the Western Australian Department of Community Development in accordance with the Working with Children (Criminal Record Checking) Act 2004 (WA). Checks are valid for three years.</p> <p>https://workingwithchildren.wa.gov.au/</p>

PUBLICATION

This policy is available through publication on the website, www.leadinstitute.edu.au and in summary within the Student Handbook.

RELATED DOCUMENTS

SUPPORTING DOCUMENT Student Handbook

SUPPORTING DOCUMENT Retention Archiving and Destroy Register

SUPPORTING DOCUMENT Enrolment Checklist

SUPPORTING DOCUMENT Individualised Support Plan

SUPPORTING DOCUMENT FORM Application and Suitability for Enrolment

SUPPORTING DOCUMENT Incident Report

SUPPORTING DOCUMENT Professional Development Register

ASSOCIATED POLICIES AND PROCEDURES

POLICY AND PROCEDURE Commitment to All Legislative and Regulatory Requirements

POLICY AND PROCEDURE Access and Equity

POLICY AND PROCEDURE Complaints and Appeals

POLICY Privacy

RESPONSIBLE OFFICER

The **responsible officer** for the implementation and training for this Policy and Procedure is the Chief Executive Officer and Operations and Quality Assurance Manager.

VERSION HISTORY		
VERSION	DATE	DESCRIPTOR
V1.0	12 March 2025	New developed policy

Authorised by

Title: Operations and Quality Assurance Manager

Date: Authorised: 12 March 2025

