

Neurodiversity Victoria Child & Vulnerable Persons Policy

V1.1 Jan 2024

1. Purpose

The Neurodiversity Victoria Child and Vulnerable person Policy demonstrates our organisation's commitment to creating and maintaining a child safe and child-friendly organisation, where children and vulnerable young people are safe and feel safe.

This policy provides an overview of our organisation's approach to implementing [Ministerial Order 1359](#) which sets out how the Victorian Child Safe Standards apply in environments and programs in which school-age children participate.

It informs our obligations to act safely and appropriately towards children and guides our processes and practices for the safety and wellbeing of participants across all areas of our work.

2. Scope

This policy:

- Applies to all internal and external staff, volunteers and contractors whether or not they work in direct contact with participants.
- Applies in all locations visited for participants to undertake supported work experience, including those provided by third-party providers.

3. Definitions

The following terms in this policy have specific definitions:

Child:

Child means a child or young person who is under the age of 18 years.

Source: [Child Wellbeing and Safety Act 2005](#) (PDF, 936KB)

Child Safety:

Child safety includes matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to suspicions, incidents, disclosures or allegations of child abuse.

Source: [Ministerial Order 1359](#) (PDF, 363KB)

Child abuse:

Child abuse includes:

a). Any act committed against a child involving:

1. a sexual offence
2. grooming offences under section 49M(1) of the Crimes Act 1958

b) the infliction, on a child, of:

1. physical violence
2. serious emotional or psychological harm

c) the serious neglect of a child.

Source: [Child Wellbeing and Safety Act 2005](#) ((PDF, 936KB)

Child-connected work:

Child-connected work means:

a) work authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present

b) for the purposes of a school boarding premises, work authorised by the provider of school boarding premises in a school boarding premises environment while children are present or reasonably expected to be present.

Note: Working with Children clearance is required by law only for people who engage in child-related work. Schools and school boarding premises may also choose to require suitability checks (including Working with Children clearance) for visitors and volunteers engaging in child-connected work.

Source: [Ministerial Order 1359](#) (PDF, 363KB)

Child-related work:

The Worker Screening Act 2020 defines 'child-related work' as work which usually involves (or is likely to involve) direct contact with a child, irrespective of whether that contact is supervised or not, and in any of the child-related occupational fields listed in the Act.

The definition of direct contact includes oral, written or electronic communication as well as face-to-face and physical contact. 'Child-related work' may be either paid or unpaid (voluntary).

There are exemptions from the Act including people under 18 years of age, parent volunteers whose child ordinarily participates in the activity, sworn police officers, teachers currently

registered with the Victorian Institute of Teaching, and visiting workers who do not ordinarily reside and perform child-related work in Victoria, among others.

Source: [Working with Children - Suitability for Employment Checks](#)

Grooming:

Grooming is when a person engages in predatory conduct to prepare a child or young person for sexual activity at a later time. Grooming can include communicating or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer.

Source: [Child sexual exploitation](#)

Mandatory Reporting:

Mandatory reporting is the legal requirement for certain professional groups to report a reasonable belief of child physical or sexual abuse to child protection authorities. In Victoria, under the Children, Youth and Families Act 2005, mandatory reporters must make a report to child protection, if:

- in the course of practising their profession or carrying out duties of their office, position or employment
- they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.

Source: [Department of Families, Fairness and Housing](#)

Neglect:

Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. The law differentiates between three different levels of neglect:

- 'Minor' neglect is low-level neglect that is trivial or temporary.
- 'Significant' neglect is medium-level neglect that causes harm to a child that is more than trivial or temporary.
- 'Serious' neglect is the highest level of neglect. It involves the continued failure to provide a child with the basic necessities of life and can also occur if an adult fails to adequately ensure the safety of a child exposed to extremely dangerous or life-threatening situations.

Source: [PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#) (PDF, 604KB)

Volunteer:

Volunteer means a person who performs work without remuneration or reward for the school or school boarding premises in the school environment or school boarding premises environment.

Source: [Ministerial Order 1359](#) (PDF, 363KB)

Vulnerable students:

Vulnerable students may include but are not limited to those who:

- a) are deemed vulnerable by a government agency, funded family service or family violence service, or assessed as requiring education and care outside the family home

b) are identified as vulnerable as a result of a referral from a government agency, funded family service or family violence service, homeless or youth justice service; or mental health or other health service

c) self-identify or are identified by school staff or school boarding premises staff as a member of a vulnerable cohort.

Source: [Ministerial Order 1359](#) (PDF, 363KB)

4. Statement of commitment to child safety

Neurodiversity Victoria is a child safe organisation which welcomes all children, young people, school staff, support workers, and families.

We are committed to providing environments where our participants are safe and feel safe, where their participation is valued, their views respected, and their voices are heard. Our Child and Vulnerable Persons Policy and associated practices are inclusive of the needs of all participants.

We have no tolerance for child abuse and take proactive steps to identify and manage any risks of harm to students / participants in our work experience environments.

We take proactive steps to identify and manage any risk of harm to participants in our work experience environments. When child safety concerns are raised or identified, we treat these seriously and respond promptly and thoroughly.

Particular attention is given to the child safety needs of Aboriginal participants, those from culturally and linguistically diverse backgrounds, participants with disabilities, those unable to live at home, children and young people who identify as lesbian, gay, bisexual, trans and gender diverse, intersex and queer (LGBTIQ+) and other participants experiencing risk or vulnerability. Inappropriate or harmful behaviour targeting participants based on these or other characteristics, such as racism or homophobia, are not tolerated in our organisation, and any instances identified will be addressed with appropriate consequences.

Child safety is a shared responsibility. Every person involved in our organisation, partner school staff, and third party providers have an important role in promoting child safety and wellbeing and promptly raising any issues or concerns about a child's safety.

We are committed to regularly reviewing our child safe practices and seeking input from our communities to improve practices at every opportunity.

5. Roles and responsibilities

Director / Safeguarding Officer

The director who also acts as a safeguarding officer is responsible for ensuring that a strong child safe culture is created and maintained, and that policies and practices are effectively developed and implemented in accordance with Ministerial Order 1359.

The Director / Safeguarding Officer will:

- Ensure effective child safety policies are in place.
- Model a child safe culture that facilitates child safety, cultural safety and wellbeing.
- Enable inclusive practices where the diverse needs of all participants are considered.
- Promote regular open discussion on child safety issues within the organisation.
- Create an environment where child safety complaints and concerns are readily raised, and no one is discouraged from reporting an allegation of child abuse to relevant authorities.

Staff and Volunteers

All staff and volunteers will:

- Participate in child safety induction provided by the organisation and always follow the organisation's child safety policies and procedures.
- Identify and raise concerns about child safety issues to the director / safeguarding officer and relevant authorities in accordance with the reporting process outlined in this Neurodiversity Victoria Child and Vulnerable Persons Policy and the DFFH Mandatory Reporting Framework which can be found at:

<https://providers.dffh.vic.gov.au/mandatory-reporting>

- Follow inclusive practices that respond to the diverse needs of participants.

6. Managing risks to child safety and wellbeing

At our organisation we identify, assess and manage risks to child safety in our work experience environments. These risks are managed through our child safety policy and practices, and in our activity specific risk assessments for off-site facilities and services we contract through third party providers.

Our risk assessments are used to record any identified risks related to child abuse and other risks alongside actions in place to manage those risks. The director will monitor and evaluate the effectiveness of the actions in the risk assessments at least annually.

7. Establishing a culturally safe environment

At Neurodiversity Victoria, we are committed to establishing an inclusive and culturally safe organisation where the strengths of Aboriginal culture, values and practices are respected.

We think about how every participant can have a positive experience in a safe environment. For Aboriginal students, we recognise the link between Aboriginal culture, identity and safety and actively create opportunities for Aboriginal students and the Aboriginal community to have a voice and presence in our organisation planning and practices.

8. Participant empowerment

To support child safety and wellbeing at Neurodiversity Victoria, we work to create an inclusive and supportive environment that encourages participants, staff and volunteers to contribute to our child safety approach and understand their rights and their responsibilities.

Respectful relationships between participants are reinforced and we encourage strong friendships and peer support in the organisation to ensure a sense of belonging and shared responsibility.

We ensure our participants know who to talk to if they are worried or feeling unsafe and we encourage them to share concerns with a trusted adult at any time. Participants can also report or express any concerns to their school.

When the organisation is gathering information in relation to a complaint about alleged misconduct or abuse of a child, we will listen to the complainant's account and take them seriously, check our understanding of the complaint, support the participant and keep them informed about progress. We will also work closely with the participant's school and relevant wellbeing staff at all stages of the process.

9. Participating school engagement and responsibility

Our participating schools have an important role in monitoring and promoting childrens' safety and wellbeing and helping children to raise any concerns.

To support school engagement, we are committed to providing relevant school staff with information about our work experience facilities / placements and involve them in our approach to child safety and wellbeing.

Participating schools have a responsibility to ensure appropriate checks have been conducted prior to registering their students in our work experience programs and raise any issues or concerns with Neurodiversity Victoria prior to participation.

10. Diversity and equity

As a child safe organisation, we celebrate the rich diversity of our participants and community and promote respectful environments that are free from discrimination. Our focus is on wellbeing and growth for all.

We recognise that every child has unique skills, strengths and experiences to draw on.

We pay particular attention to individuals and groups of children and young people in our community with additional and specific needs. This includes tailoring our child safety supports to the needs of:

- Aboriginal children and young people.
- Children from culturally and linguistically diverse backgrounds.
- Children and young people with disabilities.
- Children and young people who identify as LGBTIQ+.

11. Suitable staff and volunteers

At Neurodiversity Victoria we apply robust child safe recruitment, induction and supervision practices to ensure that all staff, contractors, and volunteers are suitable to work with children.

Staff recruitment

When engaging staff to perform child-related work, we:

- Sight, verify and record the person's Working with Children clearance or equivalent background check such as a Victorian teaching registration.
- Collect and record:
 - Proof of the person's identity and any professional or other qualifications.
 - The person's history of working with children.
 - References that address suitability for the job and working with children.

Staff induction

All newly appointed staff will be expected to participate in our child safety induction program. The program will include a focus on the Child and Vulnerable Person Policy (this document).

Ongoing supervision and management of staff

All staff engaged in child-connected work will be supervised appropriately to ensure that their behaviour towards children is safe and appropriate.

Staff will be monitored and assessed to ensure their continuing suitability for child-connected work.

Inappropriate behaviour towards children and young people will be managed swiftly and in accordance with legal obligations. Child safety and wellbeing will be paramount.

Suitability of volunteers

All volunteers are required to comply with the same requirements as our staff recruitment practices, including a current Working with Children Check and induction training.

12. Complaints and Reporting Processes

Neurodiversity Victoria fosters a culture that encourages staff, volunteers, participants, partner schools, and third party providers to raise concerns, complaints. And undertake mandatory or non-mandatory reporting. This makes it more difficult for misconduct or abuse to occur and remain hidden.

If there is an incident, disclosure, allegation or suspicion of child abuse, all staff and volunteers must reported immediately to the Director / Safeguarding Officer at the contact details below:

Phone: (03) 5261 4172

Mobile: 0407 639 000

Email: tom@neurodiversity.org.au

Staff, volunteers and contractor must also complete the Neurodiversity Victoria Incident Report Form available on the Neurodiversity Victoria website at www.neurodiversity.org.au

Should the incident involve suspected child abuse, the Director / Safeguarding office will follow the PROTECT Responding to Suspected Child Abuse Reporting Form, which is part of our policy framework. We address complaints and concerns of child abuse made by or in relation to a participant, staff member, contractor, volunteer, service providers, visitors or any other person while connected to the organisation.

As soon as any immediate health and safety concerns are addressed, and relevant staff have been informed, we will ensure our organisation follows:

- the [Four Critical Actions](#) for complaints and concerns relating to adult behaviour towards a child
- the [Four Critical Actions: Student Sexual Offending](#) for complaints and concerns relating to student sexual offending

13. Mandatory Reporting

What is mandatory reporting?

Mandatory reporting refers to the legal requirement of certain groups of people to report a reasonable belief of child physical or sexual abuse to child protection authorities.

Who is mandated to report in Victoria?

The following are mandatory reporters in Victoria:

- registered medical practitioners
- nurses
- midwives
- registered teachers and early childhood teachers
- school principals
- school counsellors

- police officers
- out of home care workers (excluding voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- registered psychologists
- people in religious ministry.

What will Child Protection do?

The best interests of the child are the paramount consideration. Child Protection will decide when follow up is required and how to classify the report. This may mean providing advice to the reporter, progressing the matter to an investigation, referring the family to support services in the community, or taking no further action.

Contact Child Protection

To make a report, you should contact the child protection intake service covering the local government area (LGA) where the child normally resides. Telephone numbers to make a report during business hours (8.45am-5.00pm), Monday to Friday, are listed below.

North Division intake: 1300 664 977

South Division intake: 1300 655 795

East Division intake: 1300 360 391

West Division intake - metropolitan: 1300 664 977

West Division intake - rural and regional: 1800 075 599

If you are not sure which number to call, check the following website for details on the LGAs covered by each intake service at Child protection contacts at this link:

<https://services.dhhs.vic.gov.au/child-protection-contacts>>

For immediate help

To report concerns that are life threatening, contact Victoria Police: 000

To report concerns about the immediate safety of a child outside of normal business hours, contact the After Hours Child Protection Emergency Service on 13 12 78.

What am I required to do?

In Victoria, under the *Children, Youth and Families Act 2005*, mandatory reporters must make a report to child protection, if:

- in the course of practising their profession or carrying out duties of their office, position or employment
- they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.

When do I have to report?

Make a report to Child Protection as soon as practicable after forming your belief. Make a report each time you become aware of any further reasonable grounds for your belief.

If you are worried about a child's wellbeing but do not believe they are in need of protection, refer to the below section on how to make a referral to Child FIRST or The Orange Door.

What is a belief on reasonable grounds?

A belief is a belief on reasonable grounds if a reasonable person, doing the same work, would have formed the same belief on those grounds.

Grounds for forming a belief are matters of which you have become aware, and any opinions in relation to those matters.

When is a child in need of protection?

A child may be in need of protection if they have experienced or are at risk of significant harm, and their parents have not protected, or are unlikely to protect them from that harm. Significant harm may relate to:

- physical injury
- sexual abuse
- emotional or intellectual development
- physical development or health
- abandonment or parental incapacity.

For more information

For more information refer to the Department of Health and Human Services 'services' and 'providers' websites:

<https://services.dhhs.vic.gov.au/reporting-child-abuse>

<https://providers.dhhs.vic.gov.au/mandatory-reporting>

<https://services.dhhs.vic.gov.au/family-support>

<https://services.dhhs.vic.gov.au/child-protection>

14. Privacy and information sharing

Neurodiversity Victoria collects, uses, and discloses information about children and their families in accordance with Victorian privacy laws, and other relevant laws. For information on how our organisation collects, uses and discloses information refer to our Privacy Policy.

15. Review of child and vulnerable persons safety practices

At Neurodiversity Victoria, we have established processes for the review and ongoing improvement of our child safe policies, procedures, and practices.

We will:

- Review and improve our policy every 2 years or after any significant child or vulnerable person safety incident.
- Analyse any complaints, concerns, and safety incidents to improve policy and practice.
- Act with transparency and share pertinent learnings and review outcomes.

16. Policy status and review

The director / safeguarding officer is responsible for reviewing and updating the Child and Vulnerable Persons Policy at least every two years.

17. Approval

Last amendmend date	Thursday 18 January 2024
Consultation	Consultation with third party providers and advisors conducted.
Endorsed by	Tom Liolios, Director Namaji Pty Ltd t/as Neurodiversity Victoria
Endorsed on	Thursday 18 January 2024
Next review date	Friday 17 January 2025