

## **OUR COMMITMENT TO THE SAFETY AND WELLBEING AND THE PROTECTION OF CHILDREN FROM HARM (STUDENTS UNDER 18 YEARS)**

### **Policy**

This policy is to ensure our organisation is committed to the safety and wellbeing of all children and young people who use our services. Our staff will treat them with respect and understanding at all times. To ensure children and young people are kept safe from harm, the Work Skills Policy states that:

- All new staff is subjected to a strict screening process, prior to their employment.
- All new staff members must participate in a 3-week induction program, and are also kept under strict supervision throughout their probationary period.
- For more information see our policies for Code of Conduct, Recruitment policy and induction program. All existing staff member are kept up to date by way of staff meetings and staff instruction sheets.

Our company has a duty of care to report any incidents of harm or any suspicion of harm. The object of this policy is to inform our staff members, the employers of students, the parents of students, the student and any other stake holder relevant to the student, our underlying principals, which are:

- That the welfare and best interests of a child are paramount.
- Every child is a valued member of society.
- In decisions involving a child, the child's views and wishes will be considered in a way that has a regard to the child's age and ability to understand.
- Every child is entitled to be treated in a way that respects the child's dignity and privacy.
- Every child is to be trained and supervised in a way that protects the child from harm and promotes the child's wellbeing.
- Every child has the right to express their concerns and complaints and to have them delt with in a way that is fair and timely and promotes the child's participation in the process.
- To be able to receive information and help to enable the child to exercise the child's entitlements.

Every parent or legal guardian has the right to be kept informed of all training issues or incidents effecting the child safety or well being. Work Skill welcomes all communication, and will always endeavor to solution any problem.

We implement and maintain this policy by way of our eight main points of our procedure, which are:

- Staff Recruitment and Blue Card
- Staff Training
- Code of Conduct
- Complaints and Appeals Policy and Procedure
- Access and Equity Policy and Procedure
- Continuous improvement Policy and Procedure
- Communication with stake holders and children
- Recording and reporting

These procedures are continuously reviewed and monitored through our audit process.

## Procedure

### Staff Recruitment and Blue Card

All applicants applying for positions within our company are subjected to a strict screening process. All applicants must submit with their resume at least three recent referees: Work Skills will contact these referees and verify the applicant suitability to our company. In addition, if the applicant is applying for a position as a Trainer the applicant would have to agree to security check by way of completing an application for a blue card. If the applicant already possesses a positive blue card, the applicant must give Authorisation to confirm a valid blue card by way of the approved forms. If the applicant refuses to any of the above screening check, then Work Skills cannot continue with that application. For more detail about staff recruitment see (Work Skills Staff Recruitment and Induction Procedure).

Work Skills maintain a current register of all staff holding Blue Cards. The register records the name of the card holder, card number, and expiry date, number of card re-issues, whether an application is pending on a positive notice, and comments column for recording any information relevant to the status of the blue card. The Directors and Operations Manager have the authority to enter/ modify/ add comments to the blue card register. The register is locked and can only be viewed in read only format. All staff members are to inform Work Skills if the status of their positive notice of their Blue Card has changed immediately.

***IMPORTANT Note: If at any time a staff members positive notice blue card is revoked, then that staff member will be remove from all contact of children and young people immediately and Work Skills will assess the staff member future employment with the company.***

### **Staff Training**

All new staff must participate and successfully complete an induction program (refer to Staff Recruitment and Induction Procedure). After completion of the induction program, the new staff member is placed on six months' probation and will start to participate in their daily duties with other members of staff to assist them as a mentor and supervisor to ensure the company policies and procedures are adhered to. All staff is informed of any new legal updates or company policy or procedure changes by way of staff meetings and relevant hand outs.

### **Code of Conduct**

Our company Code of Conduct ensures that all staff member are fully aware of their obligation on how they are to interact with our clients, students, parents or legal guardians, with other staff members and our stake holder. This covers all aspects of a staff members' professional conduct as a representative of Work Skills, which includes communication - phone calls, emails, letters, faxing, class room delivery of training, one to one training, cold calling marketing, dealing with private and confidential information, dress standards, anti-discrimination and blue card obligations. Staff members who fail to comply with the code of conduct can face severe consequences such as employment suspended or employment terminated.

**Ethical Conduct:** All Work Skills staff members are trained and expected to follow company policy when faced with ethical dilemmas, that aren't covered in the Work Skills code of conduct. Ethical Conduct is a list of 9 basic questions that the staff member should ask themselves before acting on a situation

### **QUESTIONS:**

- Will the decision be in the best interest of the child or young person?
- Do I have all relevant information to make an informed responsible decision?
- Is this action legal?
- Is it consistent with the organisation and its policies?
- Do I think it is the right thing to do – if not, why?
- Would other people think it was the right thing to do- if not, why?
- What will the consequences be for our Organisation, for my colleagues and for myself?
- Can I justify my actions?
- What will happen if this matter becomes public, for example, in the media?

(Refer to company Code of Conduct Policy and Procedure)

### **Complaints and Appeals Handling Policy and Procedures, Access and Equity**

We use these policies and procedures for dealing with all of our internal and external complaints. It allows all parties involved written information and time lines as well as written outcomes. Our Access and Equity Policy and Procedure demonstrates how our company deals with issues of fairness and our commitment to positive outcomes.

(Refer to Work Skills Complaints and Appeals Handling Policy and Procedures), NOTE: Work Skills forms and how they are used. (Refer to Access and Equity Policy and Procedure)

### **Continuous Improvement Policy and Procedure**

We use this policy and procedure to improve our systems, policies and procedures. (Refer to Continuous Improvement Policy and Procedure and how it applies to this policy)

### **Communication with Stakeholder and Children**

All our clients, students, parents, guardians, stake holders and potential future clientele will be able to view this policy and procedure, and will be well informed of our company's commitment to child safety. <http://workskills.com.au/client-info.html>

### **Recording and Reporting**

All Work Skills staff members have a Duty of Care to report any incidents or suspicion of harm to children, Work Skills does this by way of our incident report form. If any of our staff are informed or have a suspicion of harm to any of our students which are under the age of 18 years of age, they will complete an incident report form and hand to the Directors of the Work Skills. The Directors will pass the information on to the Queensland Police Department and or The Department of Child Safety for further investigations. The staff member who the disclosure was given to, will cooperate and give all details over to the proper authorities.

All Work Skills staff will make themselves available for further investigations by Queensland Police and or The Department of Child Safety. If Work Skills staff is reported as having committed or suspicion of harm, an incident report will be completed, and the Directors will notify Queensland Police.

Any complaint against the conduct of a staff member will be recorded on our complaints form, all parties will have a written report of all decisions and action taken, (Refer to our Complaints and Appeals Handling Policy and Procedure and Access and Equity Policy and Procedure)

### **Policy and Procedure for Managing Behaviour and Action plan for dealing with Incidents of Harm to children and young people.**

This Policy and procedure is to ensure that Work Skills staff is aware of their behaviour and consequences in the event of breaches of company policy and procedures related to children and young people. All staff members have a 2-week induction and a 6 months' probationary period into the company and are instructed in all our policies and procedures. It is expected that all staff member will adhere to these policies and procedures. In the event of a staff member witnessing or becoming involved with a situation involving harm to children or young people, under duty of care, they are obligated to report and act on all instances immediately. (see recording and reporting section following)

**What is considered inappropriate behaviour by staff?**

- Inappropriate language (such as swearing, using demeaning language, or non-supportive language)
- Inappropriate conduct (such as consumption of alcohol in the presence of children and young people)
- Inappropriate use of facilities and resources (such as sending inappropriate emails)
- Inappropriate contact with children and young people (such as contact outside the requirements of the staff member's position)
- or giving personal information about clients or other staff to people not authorised to have that information.

**What is considered inappropriate behaviour by children and young people?**

- Inappropriate Language (such as swearing, using demeaning language, or non-supportive language)
- Inappropriate conduct (such as the consumption of alcohol or drugs)
- Bullying other children or young people
- Operating outside of rules of our organisation
- Placing themselves or other people at risk
- Using inappropriate language
- Inappropriate use of facilities and resources (such as viewing inappropriate material on the internet)

**Not all incidents of inappropriate behaviour are serious enough to notify external authorities, but will still need to be dealt with by Work Skills. This is done by;**

- Education
- Reinforce the code of practice
- Disciplinary measures such as; formal review and written warning letters,
- Suspension of duties
- Mediating between those involved in the incident
- Reviewing existing policies and procedures
- Developing new policies and procedures

Work Skill ensures that all children, young people and their parents and carers know who and how to contact at Work Skills in the event they need to raise an issue of concern, by way of student and employer handbooks, which are issued at the enrollment stage or prior to enrollment, before training commences.

## What is Suspicion of Harm?

### Suspicion of harm is;

You have reasonable grounds to suspect harm if:

- a child or young person tells you they have been harmed.
- someone else, for example another child, a parent, or a staff member, tells you that harm has occurred or is likely to occur.
- a child or young person tell you they know someone who has been harmed. It may be possible they are referring to themselves.
- you are concerned at significant change in the behaviour of a child or young person, or the presence of new unexplained and suspicious injuries.
- you see the harm happening.

Disclosure of harm may sound like:

- “I think I saw...”
- “somebody told me that...”
- “I just think you should know...”
- “I’m not sure what I want you to do, but...”

**Any disclosure of harm regardless whether it has come from internal sources or external sources is important and must be acted upon.**

## What to Do When a Disclosure is Made

### Stage one- Receiving a Disclosure

There is no one set of rules to follow when a child or young person tells you that harm has occurred to them, or another person discloses an incident of harm to a child or young person, however, the following actions maybe of assistance.

#### **Don't Panic**

You maybe the first person to whom the disclosure is made. Your reactions may determine whether the person making the disclosure trust you with the information. It is important you:

- don't react in a shocked or critical way, and
- tell the person you are glad they have told you.

### **Find a private place to talk**

Privacy may help the person making the disclosure feel more comfortable and less concerned about telling you what they have to say, especially if they are a child or young person.

### **Listen**

When presented with a disclosure of harm, don't say, "I won't tell," and don't promise to keep secrets. You should

- reassure the person they have done the right thing in telling
- say you need to tell someone else who can help them, and
- reassure them you will only tell someone who will make them safe.

### **Believe the person**

It is not up to you to judge whether a child, young person, or anyone else, is telling the truth- always act on the basis that what you have been told is the truth. Remember, it is not up to you to decide if what you are been told did or did not happen.

### **Don't ask leading questions**

Leading question are those that tend to suggest an answer, for example:

- "Did 'X' touch you?"
- "Did they touch you where your underwear goes?"

Don't put words in the person's mouth- let them tell you what happened, and if you need to clarify anything, ask non-leading questions such as:

- "Tell me what happened?"
- "What happened then?"
- "Can you tell me about that?"

It is not your role to investigate. Only ask enough questions to confirm the need to report the matter to the Queensland Police Department or the Department of Child Safety. The safety of the child or young person is paramount. Unnecessary questions or interviews could cause distress, confusion and interfere with any subsequent investigation authorities undertake.

### **Take detailed notes**

At the first opportunity after disclosure has been made to you, make notes of what occurred, include information such as:

- dates
- times
- location and
- who is present

Include a detailed description of:

- exactly what the person disclosing said, using 'I said,' 'they said.'
- Statements
- the questions you asked
  - any comments you made, and
  - your actions following the disclosure.

If you are taking notes at the time of disclosure, explain why you are doing it and why it is important, that is, to ensure an accurate record for any subsequent investigation. If the disclosure has been made by a child or young person, remember to explain this in a way that is appropriate to their age and understanding.

Any reports or documentation on disclosure of harm must be kept confidential and secure, with access strictly limited and on a 'need to know' basis.

### **Stage Two- Reporting a Disclosure**

Suspicion of harm which may involve an offence against a child or young person must always be taken seriously.

All staff member are expected to inform the Company Directors immediately of the disclosure but not the content, and the staff members are to explain the potential impact it may or may not have on the company, and they are to complete an incident report, to be lodged at the office.

Our organisation's second responsibility is to report it to either the Queensland Police Department or the Department of Child Safety; this will be done by the person to whom the disclosure was made, as they will have the best knowledge of what was said

### **Under no circumstance will this company:**

- conduct its own investigation to substantiate claims
- hold our own internal hearing, such as a 'kangaroo court' or
- attempt to mediate a settlement of the matter instead of notifying relevant authorities

### **Disclosing information**

Staff members and Work Skills as an organisation who may report incidents/concerns about children or young people to the Queensland Police Department or the Department of Child Safety are protected from legal liability under section 22 of the Child Protection Act 1999. A person or organisation reporting such concerns is not considered to have breached any code of professional conduct or ethics. This section of the act also protects those who provide information to the Queensland Police Department or the Department of Child Safety during an investigation into alleged harm of a child or young person. The identity of anyone who reports concerns to Queensland Police department or the Department of Child Safety is kept confidential under section 186 of the Child Protection Act 1999.

### **Stage Three- Providing Support**

Once the Queensland Police Department or the Department of Child Safety has been contacted, the person who notified them is expected to keep the company Directors informed of all updates relevant to the company and to follow Work Skills policies and procedures

While the Queensland Police Department or the Department of Child Safety conducts their investigation, Work Skills must consider its own course of action. When considering what to do, Work Skills will seek guidance from the investigating agency and get independent legal advice

The following table provides some possible courses of action Work Skills may take, depending on where the alleged harm originated.

Source of Harm	Possible Action		
	Immediate	Short to medium term	Long Term
Internal			
Staff		<ul style="list-style-type: none"> <li>* support all parties, including:               <ul style="list-style-type: none"> <li>- the person making the disclosure</li> <li>- the person receiving the disclosure</li> <li>- the child or young person who has been harmed, and</li> <li>- the alleged perpetrator</li> </ul> </li> <li>* suspend the alleged perpetrator from duties until the matter is resolved</li> <li>* have the alleged perpetrator undertake alternative duties if available</li> </ul>	<p>If allegation is proven:</p> <ul style="list-style-type: none"> <li>* terminate employment</li> </ul> <p>If allegation is not proven:</p> <ul style="list-style-type: none"> <li>* activate complaints procedure</li> </ul>
Clients	Contact the Queensland Police Department or The Department of Child Safety	<ul style="list-style-type: none"> <li>* support all parties, including:               <ul style="list-style-type: none"> <li>- the person making the disclosure</li> <li>- the person receiving the disclosure</li> <li>- the child or young person who has been harmed, and</li> <li>- the alleged perpetrator</li> </ul> </li> <li>* determine whether the client, as an alleged perpetrator, is allowed:               <ul style="list-style-type: none"> <li>- any contact with the child or young person</li> <li>- to participate in any activities</li> <li>- to be in any areas where children or young people are</li> </ul> </li> </ul> <p>While the matter is being investigated by the Queensland Police Department or Department of Child Safety.</p>	<p>If allegation is proven:</p> <ul style="list-style-type: none"> <li>* determine if the client involvement with the child or young person can continue.</li> </ul> <p>If allegation is not proven:</p> <ul style="list-style-type: none"> <li>* activate complaints procedure</li> </ul>
External		<ul style="list-style-type: none"> <li>* allow the Queensland Police Department or the Department of Child Safety to undertake an official investigation</li> <li>* support the person who made the disclosure, the person who received the disclosure and the child or young person who has been harmed</li> </ul>	

**Any action will be undertaken in consultation with independent legal advice and in accordance with Work Skills Policies and Procedures.**

#### **Stage Four-Review and Evaluation**

After Work Skills, has dealt with the disclosure of harm, the management will review the process and evaluate the policy and procedure as to its effectiveness. **(Refer to Continuous Improvement Policy and Procedure)**

Work Skills will not action any changes to our policy and procedure while there is an investigation pending or proceeding so as not to interfere with any investigation or court proceedings. Changes will be made only after seeking independent legal advice.

#### **Dealing with the Media**

A disclosure of alleged harm may attract media attention, if this happens; Work Skills has a responsibility to protect the interest and wellbeing of all parties involved including its self.

To avoid placing anyone's privacy at risk, or providing incorrect information, only the Directors of Work Skills will communicate with the media, and even then, Work Skills can choose to do all media enquires through its legal representative.