



Policy

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CHILD SAFETY AND WELLBEING POLICY

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CONFIDENTIAL

CHILD SAFETY AND WELLBEING POLICY

1. PURPOSE

The Lebanese Muslim Association is committed to creating a safe environment for all patrons and staff engaging in its services. This document is a commitment ensuring that the safety of all children and young people engaging in our services and in the wider community is placed at the centre of our service delivery. The LMA acknowledges the need for culturally appropriate services for community and have created this document with the community and all community stakeholders in mind. This document is to serve as a point of reference for creating and maintaining a child safe environment and defining the mandatory reporting guidelines.

2. SCOPE

This document is to be read and understood by all staff, volunteers and contractors employed at the LMA. NSW legislation requires any employee/volunteer or otherwise engaging in child related work defined by Child Protection (Working with Children) Act 2012 to have read and agreed to the contents outlined in this document.

Child work can be defined as:

- **Child development** – Mentoring and/or counselling services for children
- **Clubs or other bodies providing services for children** – Clubs, associations, societies or other bodies providing programs or services for children
- **Early education and childcare** – Education and care services
- **Education** – Schools or other educational institutions (other than universities) and private coaching or tuition of children

3. DEFINITIONS

Allegation	A claim that a person has done something wrong which has yet to be confirmed.
Child / Young person	A person who is under the age of 16 years old.

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DCJ	Department of Justice and Communities. The reporting body for suspected child abuse and neglect.
Disclosure	<p><i>Direct</i>- If a child or young person directly tells an employee that they are being abused.</p> <p><i>Indirect</i>- If an employee is made aware of child abuse through means other than direct verbal disclosure such as through, behaviors, emotions, art, writing, appearance or self-harm.</p>
Grooming	When a person engages in predatory conduct to prepare a child or young person for sexual activity at a later time.
Indecent assault	Unwanted touching of a person's body by another person.
Mandatory reporting	A legislative requirement for employees to report suspected child abuse and neglect to government authorities.
Sexual Assault	A broad term describing all sexual offences against adults and children. It also describes a specific offence when a person has sexual intercourse with another person without their consent.

4. RESPONSIBILITY

It is the responsibility of all employees paid or otherwise, volunteers and visitors to understand and uphold child-safe practices when conducting LMA business or otherwise.

Staff and volunteers - Must immediately report any infractions to this policy and its supporting policies to their direct supervisor. Based on the outcome of completing the mandatory reporting guide the employee must complete the advised reporting actions.

Supervisors - Must complete any required paperwork, checks or investigations in line with any allegations of child abuse or misconduct at the Lebanese Muslim Association. All reports must be recorded accurately and followed up at a time stated in the report.

Steering committee - Promote a child safe environment through policy and planning to ensure that all staff are trained and supported to maintain a child safe environment.

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5. REFERENCES AND ASSOCIATED DOCUMENTS

The documents listed below are to be used according to the latest issue in force, unless otherwise stated.

[1]	Children and Young Persons (Care and Protection) Act 1998 No 157	https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1998-157#sec.3
[2]	Child Protection (Working with Children) Act 2012 No 51	https://www.legislation.nsw.gov.au/view/html/inforce/current/act-2012-051#sch.2-sec.1
[3]	National Convention on the Rights of the Child	https://www.ohchr.org/en/professionalinterest/pages/crc.aspx

6. COMPETENCY REQUIREMENTS

All staff are required as part of recruitment and onboarding to obtain a valid **Paid** Working with Children Check (WWCC) clearance prior to commencement of their employment.

Any staff whose clearance is expiring or has expired will be issued with a request to renew prior to further engagement with children.

Staff are required to complete Mandatory Reporting Training within the first 4-6 weeks of their employment period.

Staff must also read and sign a copy of any child safety related policy prior to commencement of their employment at the LMA.

Staff must complete the self-directed learning package regarding child safety.

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7. CHILD SAFETY AND WELLBEING POLICY

7.1 Child safety and wellbeing

The LMA is committed to child safety and wellbeing and the promotion and protection of children's rights by the organisation and its leadership.

7.1.1 *Risk assessment and management*

The LMA understands that there are inherent risks in the operation and completion of its services for the community. In order to identify and mitigate these risks the LMA has conducted a risk assessment for all programs prior to their commencement.

All identified risks must be logged in a risk registry, rated on a risks scale and appropriate measures must be in place to negate, or minimise the impact of the risk on all stakeholders of the program/operation.

All staff are supported and trained to identify possible child safety and wellbeing risks as part of their professional development plan. Mandatory child safety training is completed on an annual basis.

7.2 Participation and consent

Prior to engaging with any youth or underaged client staff must obtain the required permission from both the legal guardian and also the participant.

Any staff paid or otherwise that engages with young people without obtaining correct permissions is subject to disciplinary actions.

7.2.1 *Consultations*

Occasionally in the course of normal operations the LMA will consult with community members in order to identify needs and to formulate culturally appropriate programs.

Prior to any consultation with young people appropriate consent must be obtained. The employee paid or otherwise must inform the participant and their guardian of the purpose of the consultation and obtain consent for use of data collected.

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All documents requiring or requesting consent/permissions must be completed and returned prior the commencement of the consultation. A copy of this document must be kept for record keeping purposes.

It is the responsibility of all LMA staff paid or unpaid to inform young people of their rights and encourage them where necessary to participate in decisions affecting them.

7.3 Families and community

As outlined in section 7.2 of this document, guardians or parents are to be informed and agree to any and all decisions or interactions made for young people in the organisation.

Staff are to ensure that parents/guardians are made aware of the possible risks that participating in any LMA event or program may entail.

Any feedback from parents, guardians or community addressing unforeseen risks or concerns are to be taken seriously, recorded and where possible actions taken to neutralise or minimise these risks.

Any grievances lodged with the LMA should be recorded and addressed at the nearest time possible and with full confidentiality for all parties involved.

As part of maintaining transparency and access a copy of this document will be made available to the community via the LMA's website.

7.4 Child safety and diversity

All LMA policies related to diversity apply. Staff are aware of the diverse needs of the CALD and wider communities and are provided support from all levels of the organisation in engaging and interacting with the community in a safe manner.

Employees are to refer any client with needs outside the scope of work provided by the LMA to an appropriate service provider. LMA staff hold a duty of care to ensure that the client has been referred to an organisation that is equipped to address the needs of the client.

As part of mandatory child safety training staff are trained in identifying and responding to children and young people with diverse backgrounds and needs.

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Information can be provided to members of community in language, either through translated versions of the document provided by the LMA or use of official translation services.

7.5 Training and support

In order to ensure that LMA staff are fit and able to work with children in a safe manner all staff undergo strict training and recruitment requirements.

7.5.1 Recruitment

Prior to commencement of employment staff all staff must obtain a valid working with children check for paid employees.

If an employee is unable or unwilling to obtain or provide this check, they may be excluded from further consideration for employment.

7.5.2 Training

Staff are to undertake mandatory child protection training within 1 month of employment at the LMA.

This training is reoccurring and will need to be renewed every 1 year.

If a staff fails to renew their training maybe be excluded from working with children until they have completed the training.

The LMA is always looking at professional development opportunities for staff. If a training opportunity presents which is aligned to workplace objectives staff will be required to attend the training.

7.6 Feedback and complaints

All complaints and feedback are taken seriously at the LMA and are to be followed up appropriately by management and if necessary, the Department of Communities and Justice.

In order to facilitate an anonymous disclosure system, we have placed the complaints and feedback system online, accessible through the organisations website.

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All complaints will be recorded, an action plan created, and are to be actioned by a date assigned per report.

Any complaints regarding child safety will also be reported to the Department of Communities and Justice through completion of the Mandatory Reporting Guidelines outlined in this document.

In order to maintain the safety of all parties involved, any and all complaints are to be limited to any staff or third-party members involved in addressing any and all objectives outlined in the action plan.

7.7 Training

All staff are to complete Mandatory Reporting training upon completion of induction.

Mandatory Reporting training is to be refreshed every 12-month period regardless of if their position directly works with children.

State legislation requires that all staff paid or otherwise need to complete internal or external training regarding child safety and wellbeing. This training is conducted internally at the LMA, all staff required to attend will be emailed and asked to schedule a time for the training to be completed.

All third-party contractors or suppliers that interact with young people on behalf of the LMA to deliver any programs, events or services must also obtain the same checks and qualifications as employees of the LMA in addition to the completion of a National Police Check (NPC).

7.8 Providing safe environments

As part of any program or event proposal a risk assessment which assesses the safety of the environment where the program or event will take place must occur.

Employees are to always be present when clients, especially young people are in their care.

All employees paid or otherwise are to be made aware of where all safety equipment and staff are. This will enable staff to address any safety issues in a prompt manner.

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If an event is taking place online in a private space without public access staff are to ensure that they follow all LMA code of conduct and other employee policies when interacting with clients.

If the event or program is taking place online in a public space, staff are to ensure that there are adequate measures in place prior to the event to protect all participants.

If an environment cannot be made safe, such as an online public forum an alternative environment which does comply with LMA policy must be found prior to commencement.

Events taking place at the LMA or any other third-party location are considered to be private and public access must be restricted unless otherwise permitted by management in order to ensure the safety of all participants.

7.9 Revision of Child Safety and Wellbeing policies

The Lebanese Muslim Association reserves the rights to review and revise the Child Safety and Wellbeing policies outlined in this document at any time.

A standard revision period of two years applies to this document, although if legislation requires, this document can and will be updated to reflect the changes in legislation.

7.10 Child safety documentation

A copy of all child safe policy and resources are kept on the Lebanese Muslim Association's internal servers.

A copy of the LMA Child Safety and Wellbeing policy will be provided for public access on the Lebanese Muslim Association's website.

Any reports regarding child safety incidents will be stored in a safe and protected location to ensure confidentiality with access restricted to specific personnel.

7.11 Code of conduct

7.11.1 Offences under child safe policy

All employees of the Lebanese Muslim Association are to follow strict interaction guidelines when working with children. The following offences are to be reported immediately under mandatory reporting guidelines to DCJ.

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7.11.2 *Sexual offence*

'Sexual offence' relates to any and all criminal offences involving a sexual element committed against, with or in the presence of a child.

These offences can include and are not limited to the following:

- Indecent assault
- Sexual assault
- Possession, distribution, production of child abuse material
- Grooming or procuring children under the age of 18 years for unlawful sexual activity

Any and all disclosures must be reported as per the mandatory reporting guidelines stipulated in this document (7.12 Mandatory reporting guidelines).

All cases involving a sexual offence would also involve sexual misconduct.

Any suspected or confirmed reports of sexual offences are to be reported to DCJ and to the state police for further investigation.

7.11.3 *Sexual misconduct*

'Sexual misconduct' includes conduct that does not always equal a criminal offence.

For sexual misconduct to constitute reportable conduct, the alleged conduct must have been committed against, with or in the presence of a child.

Misconduct can be listed in three categories:

- Crossing professional boundaries
- Sexually explicit comments and overtly sexual behaviour, and
- Grooming behaviour

If any employee is reported as having engaged in sexual misconduct further assessment will be required to establish if the breach was with the intention to establish an improper relationship with the involved child.

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Any suspected or confirmed reports of sexual misconduct are to be reported to DCJ and to the state police for further investigation.

7.11.4 *Physical Assault*

An assault of a child is any act which a person intentionally inflicts use of physical force against a child. Assault can occur if a person causes a child to fear that force will be used against them.

Assaults can include:

- Hitting
- Slapping/Pinching
- Pushing
- Shoving
- Throwing objects
- Making threats to physically harm a child
- Restraining against a persons' will

There are contexts in which physical force used against a child may not constitute assault. An assault has not taken place where there is use of reasonable force in the following examples:

- Disarming a child or young person seeking to harm themselves or others
- Separating children or young people who are fighting
- Moving a child out of harm's way
- Restraining a child from causing intentional damage to property
- Self-defense or in the defense of others

The use of physical force on children as outlined above should only be used as a last resort. Prior to the use of any physical force employees must assess the appropriate amount as a minimum to disarm or restrain others.

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7.11.5 Ill-treatment

Ill-treatment involves circumstances where a person treats a child or young person in an unreasonable and/or inappropriate, improper, inhumane or cruel manner.

Examples of ill-treatment of a child would be:

- Correcting children in an unreasonable manner
- Making excessive and/or degrading demands of a child
- Hostile use of force towards a child
- Degrading comments or behaviour towards a child

7.11.6 Neglect

Neglect can be either an action or an inaction by a person who has care responsibilities towards a child such as a teacher or supervisor.

Neglect can be a repeated failure of the supervisor to address a child's physical or psychological needs.

Neglect can also encompass any failure to fulfil the duty of care or obligation owed to the child whilst in the organisations care/service resulting in actual harm to a child or an increased potential for significant harm to come to a child.

7.12 Mandatory Reporting Guidelines

STEP 1 - Upon any report or personal disclosure of an offence outlined above all employees are to notify their immediate supervisor.

Staff are asked to provide as much information about the possible violation or breach of child safety in order aid in appropriate assessment.

STEP 2 - Employees must complete the online mandatory reporting guide to assess the level of response. Your supervisor may support you through this process.

Not all infractions will require notification to DCJ or the NSW Police. Should the online assessment result not require you to report the incident to DCJ an LMA incident report form should be filled out with a review date to be followed up.

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Through setting a review date employees and supervisors can provide a level of service to the client through referrals which will address the concern.

STEP 3 - Should the online assessment require a report to DCJ employees must contact the organisation to lodge a formal report. A record of who was contacted and the nature and outcome of the call must be recorded in an incident report.

Should a disclosure occur off-site LMA staff must follow the above outlined process. Their direct supervisor may need to contact the site manager to report that a disclosure has been made and a report lodged if necessary.

7.12.1 Confidentiality requirements

When reporting all necessary and reasonable steps should be taken to ensure the identities of the persons who made the allegations, or who are subject of the allegations, are treated confidentially. Any disclosure of the identity can be a breach of (Care and Protection act 1998). However, no guarantees of confidentiality should be given as the identity of those people who are involved in, or witnessed the misconduct may need to be revealed to the employee who is subject of the allegation to enable effective investigation of the matter.

The following are information which may be used by DCJ or NSW Police if they are involved in the investigation:

- details of the allegation
- names of employee/child(ren) involved
- what is alleged to have occurred
- date and times of alleged incident
- any identified or alleged further risks/concerns to children
- contact details of the person reporting the allegation
- name and contact details of the initial complainant
- names and addresses of the parents or caregivers of the children involved
- names of witnesses and their contact details

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- whether the employee/s know about the allegation
- location and/or medium
- any damages that have occurred and have been identified

Employees who have been reported as having breached the child safe policy and are under investigation may be stood down effective immediately to ensure the safety of all parties involved.

8. RECORDS RETENTION

Any infraction or report thereof must be recorded in an LMA incident report

Record Description	Storage Location	Retention Period
FORM-LMA-WHS-004 (ACCIDENT/INCIDENT REPORT FORM)	Shared drive / Intranet	Indefinite
NSW Mandatory Reporter Guide – Decision Report	Shared drive / Intranet	Indefinite
FORM-LMA-WHS-005 (BEHAVIOURAL INCIDENT REPORT FORM)	Shared drive / Intranet	Indefinite