

BOES Client and Child Safety and Wellbeing Policy

PURPOSE

This policy statement affirms Bindaree Outdoor Education Services (Bindaree's) commitment to the welfare of our clients especially the children in our care and their collective protection from abuse and exploitation.

Bindaree's Commitment:

Child safety is of paramount importance to Bindaree. In accordance with our vision, mission, and guiding principles of respect, integrity, and accountability, Bindaree works to establish and uphold an organisational environment, as well as a line of services, that is open to all people, inclusive and equitable, and free from abuse, harassment, and exploitation.

All complaints and safety concerns will be taken seriously and in accordance with our stringent policies and processes as we have zero tolerance for child abuse. Our procedures, protocols, and training have all been developed with the goal of minimising and eliminating hazards to children's safety while providing a secure environment for everyone. We are dedicated to the cultural safety of Aboriginal children, children from culturally and linguistically diverse backgrounds, and to the safety of all children.

This policy also highlights organisational systems Bindaree has put in place to minimise participant exposure to any form of abuse including steps taken in our recruitment process to check and employ only suitable staff, describing our staff's acceptable code of conduct and also will outline Bindaree's reporting and risk management processes with regards to participant safety and well-being.

BACKGROUND

Minors that we work with and have Duty of Care for are a particularly vulnerable group and we want to promote their safety and well being at all times. There exists an awareness that sex offenders are targeting and infiltrating organisations in order to access children and vulnerable people. This policy aims to deter, minimise and remove opportunities for child and /or any abuse to occur to any individual.

There are five types of 'reportable conduct' listed in the Child Wellbeing and Safety Act 2005:

1. sexual offences (abuse) (against, with or in the presence of, a child)
2. sexual misconduct (against, with or in the presence of, a child)
3. physical violence (against, with or in the presence of, a child)
4. behaviour that causes significant emotional or psychological harm
5. significant neglect.

Bindaree is committed to continually review and monitor core risk management procedures and our management approach to our business to ensure that we remain vigilant to the latest laws and cases of wrongful accusation and litigation in the cases concerning "abuse".

We also want to ensure that we remain mindful of the potential long term consequences for victims and increasing recourse to litigation. Put simply, an incident today may give risk to a claim in perhaps 20 or more years' time. With this situation, there are complex long-term "abuse" exposure issues for policyholders and insurers alike. Good risk management is seen as a major factor in the prevention of abuse and the damaging consequences of possible wrongful accusations.

This policy also aligns with the National Principles for Child Safe Organisations whilst satisfying and enhancing our Public Liability Insurance obligations regarding client protection.

DEFINITIONS

For the purpose of this policy the following definitions apply:-

- **Minor/child** - Is considered to be a person under the age of 18 years.
- **Vulnerable person** - Refers to someone who 'is or may be in need of community care services by reason of mental or other disability, age or illness and is or may be unable to take care of him or herself or unable to protect him or herself against significant harm or exploitation'
- **Abuse** - Refers to any physical, sexual, psychological or other harmful, willful and deliberate behaviours/omissions likely to cause injury or illness.

a) Physical Abuse

Physical abuse occurs when a person purposefully injures or threatens to injure a person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. The injury may take the form of bruises, cuts and abrasions, burns or fractures. Physical violence also covers 'apprehended' physical violence which is when an adult recklessly engages in conduct or behaviour against, with, or in the presence of a child that is capable of causing a child to think that physical force is about to be used against them or another person. This could include words, gestures or actions that cause a child to believe physical force is about to be used against them, regardless of whether or not the adult actually intended that any physical force would be applied.

b) Emotional or Psychological Abuse

Emotional abuse is a chronic attack on a person's self-esteem. It can take the form of name calling, threatening, ridiculing, intimidating or isolating the person, verbal abuse, manipulative behaviours, hostility or rejection of a child or belittling them to name a few.

c) Neglect

Neglect is the failure to provide an individual (especially children or vulnerable adults) with the basic necessities of life (where such necessities are available), such as food, clothing, shelter and supervision to the extent that the individuals health and development are at risk. Supervisory neglect, is the absence or inattention of an adult which places the child at risk of physical harm or injury, sexual abuse, or allows other criminal behaviour towards the child. Physical neglect is the failure to provide basic physical necessities for a child, such as adequate food, clothing and housing.

d) Sexual Abuse or Sexual misconduct

Sexual abuse is when a child, young person or vulnerable person is used by an older or bigger child, adolescent or adult for his /her own sexual stimulation or gratification, or economic gain. This includes sexual assault, indecent acts, possession of child abuse material and 'grooming' a child in order to commit a sexual offence. Sexual misconduct captures a broader range of inappropriate behaviours of a sexual nature that are not necessarily criminal. Sexual misconduct refers to conduct that amounts to misconduct, is of a sexual nature, and occurred against, with, or in the presence of, a child.

e) Racial, Cultural or Religious Abuse

Racial, cultural or religious abuse is an overt or covert attack on a person's beliefs. It can take the form of contempt, ridicule, hatred or negativity resulting in the threatening, ridiculing, intimidating or isolating of the person.

Crucial features of the following BOES Client and Child Protection Policy are:

- The details contained in this 'BOES Client and Child Safety and Wellbeing Policy' must be made known to all staff as/when they are first employed by Bindaree.
- All Bindaree staff will be provided with an in service session at least annually to again discuss and highlight this policy.
- That its provisions are embedded in the culture and day-to-day operation of the organisation at all levels with relevant formal training and refresher courses held at least every two years.
- An ongoing review of the policy so as to maintain current 'best practice' in safeguarding procedures and observe any changes to legislation.
- The secure retention of all personnel employment reports, liability insurance policies and other relevant incident related correspondence. Such documents should be retained for no less than 50 years.
- The requirements of the Privacy Act 1988 should be observed in respect to documents containing personal data.

This Policy has been created to protect and support all children, minors and vulnerable people and their families and communities to take an active role in promoting and maintaining child safety within Bindaree.

This is a controlled Executive Management Team document and we invite comment from Clients when reviewing this policy document.

COMPETENCE

This policy is applicable to all employees; permanent, fixed-term or casual as well as all volunteers, interns, placement individuals and work experience students as well as external contractors working onsite during our programs.

The annual review of this policy is the responsibility of the Human Resource Manager and must be presented to the Executive Team if changes occur. Any feedback is welcome by all staff, clients, families

and communities with the aim to bolster and ensure we maintain the highest level of child protection possible.

Please note that the Managing Director/ Human Resource Manager is Bindaree's current designated Child Safety representative.

STORAGE

This policy is stored electronically on Bindaree's policy, procedure and systems database, TKO and Bindaree's HR cloud platform Employment Hero.

The BOES Client and Child Protection Policy is to be communicated to all new employees as part of the induction process and a copy of the policy is to be made available to all staff.

The BOES Client and Child Protection Policy must be sent to all external contractors that may interact with staff/clients.

POLICY

Please note that the Managing Director/ Human Resource Manager is Bindaree's designated Child Safety representative.

1. Promoting awareness of Bindaree's Client and Child Protection Policy and company values

Bindaree will ensure that all staff are aware of Bindaree's Client and Child Protection Policy by ensuring the following occurs: -

1.1 All staff will receive the BOES Client and Child Protection Policy to read and acknowledge before employment.

1.2 All staff will cover the BOES Client and Child Protection Policy during their induction process.

1.3 Further training and information will be provided for specific areas of responsibility as required/ appropriate.

2. Recruitment and Bindaree Staff Selection

Through the setting of stringent checking and methods and systems Bindaree aims to minimise the risk of abuse to any staff and/or clients including children and vulnerable persons.

2.1. Recruitment and Selection Policy

The Human Resources team, both the HR Manager and the Program Staffing Manager, must adhere to the strict guidelines in the recruiting process of new staff, internship and placement positions.

The following recruitment guidelines will be reviewed and updated regularly to ensure that they accurately reflect child safe recruiting and screening standards.

2.1 A clear statement that confirms Bindaree's commitment to child protection on all forms of internal and external advertising

2.2 Adopting 'best practice' recruitment and selection techniques.

2.3 Conducting reference checks of at least two (2) referees for new employees.

2.4 Conducting both police checks and Working for Children checks

2.4.1 All personnel who work with children or who will have access to client data are required to have and provide Bindaree with a current police (every three years to align with DET) and Working with Children check (as per expiry date).

2.4.2 If any prospective staff member is alleged to have committed or been arrested for, or convicted of criminal offense relating to child abuse or child pornography this needs to be notified immediately to the HR Manager and Managing Director immediately.

3. Bindaree Employee Code of Conduct

All Bindaree employees; permanent, fixed-term or casual as well as all volunteers, interns, placement individuals and work experience students must abide by the following Code of Conduct. This Code of Conduct outlines appropriate standards of behaviour by Bindaree staff and volunteers etc. towards staff, clients, children and vulnerable persons. Any breaches of this code must be reported and may be considered as grounds for instant dismissal: -

3.1 All Bindaree staff must adhere to the BOES Client and Child Protection Policy, and other relevant policies and procedures

3.2 All Bindaree staff must take all reasonable steps to protect individuals from abuse

3.3 All Bindaree staff must set the example of appropriate and professional behaviour at all times, including: -

- Listening to children and responding to them professionally and appropriately
- Working with children in an open and transparent way so that other adults should always know about the work you are doing with children

3.4 Bindaree staff must avoid direct physical contact with participants at all times throughout a program, unless required for safety requirements as detailed below:-

- Staff must reiterate to minors in briefings and daily interactions their rights, regarding safety, participation and information
- Staff must limit any direct physical contact when:
 - When contact is essential for safety for the running of an activity and in all cases a second leader or responsible adult should be present. Where possible a same sex leader should be present (e.g. climbing and abseiling harness fitting, life jacket and helmet fittings).
 - Applying first aid, in all cases it is ideal that a second leader or responsible adult should be present at all times where contact is essential for safety.

Failure to have this backup could open you up to liability.

- Accompanying the child to a medical facility. In all cases a second leader or responsible adult should be present at all times. If no responsible adults are available two other participants should attend to uphold ratios.

3.5 Bindaree staff must uphold and promote the cultural safety, participation and empowerment of Aboriginal and culturally diverse participants by:-

- Acknowledging traditional Aboriginal land owners through promoting cultural awareness, participation and respect
- When holding official meetings and presentations include an 'Acknowledgement of Country' before commencing with the presentation
- Ensure that staff value diversity and do not tolerate any discriminatory practices or behaviours
- Any racism, abuse or any other forms of harm will be immediately identified and acted upon to support and protect victims.
- Support and encourage all participants to express their culture and enjoy their cultural rights
- Encourage cultural awareness, participation and respect of culturally diverse participants
- Actively support participation of Aboriginal and culturally diverse participants at all times

3.6 Bindaree staff must uphold and promote the safety, participation and empowerment of disabled and less able participants by:-

- Adhering to and upholding Bindaree's challenge by choice philosophy by listening to and respecting all individual participants ability levels adjusting plans to cater to these individuals.
- Welcoming and supporting the participation of disabled participants, where safe to do so.
- Ensure that you do not tolerate any discriminatory practices or behaviours
- Staff must treat everyone with respect, including listening to and valuing their ideas and opinions
- Staff must welcome all children and their families and carers and be inclusive
- Bindaree acknowledges the nature of the services we provide and that participation in some services may place individuals outside of their comfort zone and ability levels. Bindaree strive's in these cases to maximize individual participation; to allow all participants to reap the benefits of outdoor education including challenge, empowerment and building self-esteem; as long as individual participation does not compromise group and individual safety.

3.7 Bindaree staff must uphold and promote the safety, participation and empowerment of lesbian, gay, bisexual, transgender and intersex children and young participants by:-

- Welcoming and supporting the participation of all participants
- Ensure that you do not tolerate any discriminatory practices or behaviours
- Staff must treat everyone with respect, including listening to and valuing their ideas

and opinions

- Staff must welcome all children and their families and be inclusive

3.8 Bindaree staff are to watch out for and, when necessary, protect participants by:

- Preventing or stopping any individuals being bullied by other children or adults
- Preventing or stopping any racial, religious and gender discrimination by other children or adults
- Bindaree staff are to be vigilant and aware of general members of the public in the immediate vicinity of all activities and non-activities and supervising children to ensure their safety is not compromised.
- Bindaree staff must report and act on any breaches of this Code of Conduct, complaints or concerns immediately to the Managing Director.
- Bindaree staff must respect the privacy of participants and their families, and only disclose information to people who have a need to know.

3.9 Bindaree staff must adhere to the following correct use of digital imagery, media and information

- No staff member is to capture images, either still or moving, of any staff, client, child and vulnerable person with any device, on any Bindaree program, and then store, transmit or use it on any personal multimedia device or application without full written consent.
- Any photo or moving images captured on program must be pre-approved and all consent forms completed and recorded. These images must be stored on the company database and must not be used personally.
- Any still image or video image used for marketing and promotional purposes must have a completed consent forms completed for it. These consent forms must be kept on file to prove consent to the image being used.
- Any client or staff data and personal information viewed or handled by Bindaree staff must remain strictly confidential and only disclosed to relevant personnel and as/when required.

3.10 Bindaree staff must NOT:

- Use children in any way to meet physical or sexual needs
- Ignore or disregard any concerns, suspicions or disclosures of abuse from participants
- Use prejudice, oppressive behaviour or language with any clients, staff or participants
- Engage in rough physical games
- Discriminate on the basis of age, gender, race, culture, vulnerability or sexuality
- Initiate unnecessary physical contact or do things of a personal nature that individuals can do for themselves
- Develop 'special' relationships with minors or vulnerable adults or show favouritism through the provision of gifts or inappropriate attention
- Exchange personal contact details such as phone numbers, social networking site or email addresses with minors or vulnerable adults
- Have unauthorised contact with minors or vulnerable adults online or by phone

3.11 Bindaree must keep clients and communities we interact with informed, and involved in promoting

child safety and wellbeing and complaint processes. We must, at a minimum, ensure:

- Families participate in decisions affecting their child, inviting them to attend and ask questions at BOES hosted sessions prior to camp such as parent evenings and school sessions. Notifying families on your paperwork that they can contact Bindaree directly if they have questions surrounding the camp or any business policies or child safe systems.
- BOES places and openly communicates with families about our approach to child safety and provide relevant information if requested.
- Involve clients when developing and reviewing our policies and practices.

4. Reporting a Safety Concern or Complaint

Below are clear steps to take where concerns arise regarding the safety of any staff, clients, children and/ or vulnerable persons.

Please note: For any suspected cases of sexual abuse of any child under 16 years of age the following must be strictly adhered to: -

- Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child has an obligation to report that information to the Police, unless they have a reasonable excuse for not disclosing or exemptions apply. Failure to disclose the information to the Police is a ***criminal offence***.
- Once the event has been notified to the Police you must contact the Managing Director, if not already done so beforehand.
- Bindaree also has a legal obligation to report any suspected cases of child sexual abuse by employees to the Police.

4.1 Incident Reporting -

- ACT / NSW - Refer to [Coastlife Office for Children's Guardian / Child and Youth Protection Services - Reporting child abuse allegations](#)
- Victoria - refer to [BOES Commission for Children and Young People - Reporting child abuse allegations](#)

It is mandatory that any allegation, belief or suspicion of abuse (past or present) by a Bindaree employee or to any participant on a Bindaree program, must be reported immediately to a Managing Director.

Where a child/young person reports an incident, the child/young person must be taken seriously and listened to carefully.

Once an allegation has been made the following must occur:-

4.1.1. If the accused person remains accessible to the alleged victim an immediate response must be made to protect the individual from further potential abuse or victimisation.

4.1.2. The most senior leader from the client group (if applicable) must be informed at the earliest opportunity by the Managing Director.

Where appropriate, the family of the alleged victim should be informed of the allegation through either the Bindaree Managing Director or the Principal or designated representative of the client group. Any action proposed should be in full consultation with the Bindaree Managing Director and client representative.

Please note that no staff member is to promise or give assurances that they will keep the claim/allegation a secret.

4.2. Document the Incident

4.2.1 As soon as possible (within a period of 24 hours of the disclosure), the staff members receiving or reporting the disclosure needs to have fully documented the allegation, including the time, place and any witnesses. This report will possibly be used in court if charges are forthcoming.

4.2.2 All reports are to be submitted to the Managing Director immediately.

* There needs to be consideration about what treatment the alleged victim will receive from his or her family or from local authorities e.g. will the child be victimised, criminalised or ostracised.

If the Managing Director is not available you must contact a member of the Executive Management Team.

5. Responding to Allegations

Bindaree will ensure that action is taken to support and protect any alleged victim where concerns arise regarding possible abuse.

5.1. Distance the Alleged Perpetrator

In the best interests of the alleged victim, if a Bindaree staff member is under investigation this may warrant the standing down of this individual while an investigation commences. Bindaree staff members stood down may receive full pay and are entitled to a just process that does not pre-suppose guilt or innocence.

The allegations should not be discussed or communicated to other people until such have been considered and a decision made by management. The decision made should be documented and filed.

5.2. Confidentiality

Confidentiality is crucial to a fair and effective reporting procedure. It is unacceptable and potentially defamatory for concerns of abuse (and abusers or the abused) to be spread throughout the organisation rather than being directed through a formal complaint process. All participants must understand the importance of following the set reporting lines when concerns arise.

Confidentiality protects the alleged victim, the notifier, the respondent and the organisation and ensures a fair and proper process.

5.3. Reprisal

Bindaree will not tolerate any form of coercion, intimidation, reprisal or retaliation against any employee who reports any form of abuse or exploitation, provides any information or other assistance in an investigation.

5.4. Counselling Support

Professional counselling support will be made available to all parties involved.

5.5. Investigation of Complaints

Physical and/or sexual abuse of a child is a crime. Bindaree will be required to notify the authorities when there are reasonable grounds for reporting abuse.

Internal investigations will consider a confidential, thorough, impartial and prompt process via an independent individual. The investigation may consist of interviews with witnesses and others as appropriate, collection of information about the alleged conduct, gathering of documentation or other procedures as deemed appropriate. The individual alleged to have violated this Bindaree policy would have the opportunity to present his or her view of the events in questions. Bindaree will hold its determination until the investigation is completed.

5.6. Contact with School, Parent or Guardian

This should be done via the Managing Director from Bindaree and all correspondence should be through this channel only, to maintain the privacy of all parties involved.

No staff should ever contact the school, parent or guardian directly regarding an incident without direct permission from the Managing Director or the school principal.

End of document: "BOES Client and Child Safety and Wellbeing Policy"

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