

# CHILD SAFEGUARDING POLICY

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### POLICY AUTHORISATION

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## 1. PURPOSE

This policy states the parliamentary departments commitment to the safety and wellbeing of all children and young people along with child safeguarding practices that prevent children and young people from abuse and harm.

This policy provides information, guidance and a framework to all teams across the parliamentary departments and requires that all employees, contractors, and volunteers commit to an active creation, demonstration and maintenance of a child safe culture.

To support inclusion, the parliamentary departments pay particular attention to promoting:

- cultural safety, participation and empowerment of Aboriginal children and young people and their families and carers;
- cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds and their families and carers;
- the participation and empowerment of children and young people with disabilities or special needs to ensure they are safe and can participate equally; and
- the participation and empowerment of children and young people who identify with the LGBTIQ+ community and their families or carers.

Diversity and inclusion recognises and appreciates the differences between people and how they identify themselves. This includes a commitment that all children and young people feel valued, and respected, with equitable access to opportunities and resources.

## 2. OUR COMMITMENT TO CHILD SAFETY

The parliamentary departments are committed to being a child safe organisation. We want children to be safe, happy and empowered and support and respect all children and support our staff in their respectful work and engagement with children.

Although not deemed prescribed entities for the purposes of the *Child Wellbeing and Safety Act 2005*, and will not report on its progress, the parliamentary departments are committed to upholding the Victorian Child Safe Standards. In a commitment to Child Safe Standards, the parliamentary departments:

- are committed to the safety, participation and empowerment of all children;
- have a zero tolerance of child abuse; and
- are committed to treating all safety concerns and allegations very seriously and consistently in line with policies and procedures including but not limited to the Respectful Workplace Behaviour Policy, Code of Conduct for Parliamentary Officers and the Reporting and Managing Inappropriate Behaviours Policy.

The parliamentary departments are committed to preventing child abuse and identifying risks early, and removing or reducing these risks by:

- having specific processes in place that support staff;
- having robust human resources and recruitment practices to reduce the risk to child safety for those who work with or run programs for young people; and
- providing regular training and education to relevant staff on the Child Safe Standards, Reportable Conduct Scheme, and child safety risks.

The parliamentary departments are also committed to the cultural safety of Aboriginal children, the cultural safety of children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability.

### **3. SCOPE**

This policy applies to:

- a) Parliamentary Officers as defined in section 4 of the *Parliamentary Administration Act 2005* (excluding the Parliamentary Budget Officer and those employed by the Parliamentary Budget Officer); and
- b) Parliamentary Advisers employed under section 99 of the *Public Administration Act 2005* by a Member of Parliament who has delegated employment powers to the Secretary, Department of Parliamentary Services (**DPS**) under section 100 of the *Public Administration Act 2005*; and
- c) volunteers, unpaid interns, and students engaged by the parliamentary departments.

The above will be referred to as 'staff' for the purposes of this policy.

This policy also applies to all contractors, consultants and agency staff engaged by the parliamentary departments:

- a) to provide services or facilities to children and young people;
- b) that have access to the personal information of children and young people held by parliamentary departments; and/or
- c) that work in areas where children and young people are present or would reasonably be expected to be present.

All staff must abide by the Code of Conduct for Parliamentary Officers.

### **4. SAFEGUARDING FRAMEWORK**

Safeguarding includes preventing, reporting, and responding to harm or abuse caused by staff and affiliates of children working in the parliamentary departments.

We are committed to continuous improvement of safeguarding efforts which emphasises prevention of sexual exploitation and abuse (PSEA) and other forms of violence or harm. We abhor any misuse of power, status, or trusted position for any sexual or other exploitative purposes. We endeavour to tackle this root cause of abuse in our prevention and training efforts.

We have a zero tolerance towards incidents of violence or abuse against children or adults, including sexual exploitation or abuse, committed either by staff or others affiliated with our work. The parliamentary departments will take necessary actions to respond to any suspected or known instances of abuse. Incident responses are centred on the child or adult survivor, prioritising their interests.

#### **4.1 Child Safeguarding Commitment**

Children and young people are valued and respected members of our community and have the right to be safe and feel safe, at all times.

All children or young people who attend sites, programs, and events delivered by, and spaces managed by the parliamentary departments, have the right to feel and be safe. The wellbeing and safety of children and young people will always be our priority.

The parliamentary departments have zero-tolerance of child abuse and are committed to creating and maintaining child safe and child friendly organisations where all children are valued and protected from abuse, harm and neglect.

## **4.2 Behaviour**

The parliamentary departments have clear and well-established behavioural expectations of all staff who work or interact with children and/or young people. This includes appropriate behavioural expectations for working/interacting with all children including Aboriginal, culturally and/or linguistically diverse children, children with a disability, those who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children and young people.

## **4.3 Unacceptable behaviour**

Staff must not:

- a) behave in an inappropriate physical manner or develop a sexual relationship with a child. This includes consenting to or condoning the above behaviours. This also includes behaviour that could be seen as grooming a child for a future inappropriate relationship;
- b) fondle, hold, kiss, hug or touch any child participating in activities or events at or visiting the Parliamentary precincts, electorate offices or other sites used for parliamentary purposes;
- c) use inappropriate or abusive language with a child, for example language that causes shame or humiliation, or is belittling or degrading;
- d) spend excessive or unnecessary time alone with a child, away from others or behind closed doors or in a secluded area;
- e) condone or participate in behaviour which is illegal, unsafe or abusive; including harmful traditional practices, spiritual or ritualistic abuse;
- f) misuse or be careless with personal data about individual children;
- g) stay silent, cover up, or enable any known or suspected safeguarding incident or breach of this Child Safety and Safeguarding Policy;
- h) provide children with any alcohol or illegal drugs;
- i) invite unaccompanied children into private offices, unless they are at immediate risk of injury or in physical danger; or
- j) engage in any form of sexual harassment;

The above list provides examples but is not exhaustive of all behaviours that constitute a violation of this policy.

## **4.4 Code of Conduct**

All staff are responsible for ensuring the safety, participation, wellbeing and empowerment of children and young people whilst undertaking their roles and adhering to the Code of Conduct for Parliamentary Officers.

## **4.5 Training and supervision**

Training and education are important to ensure that all staff understand that child safety is everyone's responsibility.

In ensuring a child safe culture, all staff, as well as families and children, must feel confident and comfortable in discussing any child safety concerns or allegations of child abuse. We are committed to training staff to identify, assess and minimise risks of child abuse and to detect potential signs of child abuse.

We also support our staff through induction and ongoing training to develop their skills to protect children from abuse and promote the cultural safety of Aboriginal children, the cultural safety of children from linguistically and/or diverse backgrounds, and the safety of children with a disability.

In addition to regular training requirements for all staff, position-specific training will be provided to individuals who are likely to be in contact with children and young people regularly.

Through training, staff will understand our commitment to child safety and that everyone has a role to play in protecting children from abuse. This will include ensuring that all staff behaviour towards children is safe and appropriate at all times.

#### **4.6 Recruitment**

The parliamentary departments have effective screening tools to assist the recruitment of suitable staff, contractors, and volunteers to minimise the risk of inappropriate individuals being engaged.

We take all reasonable steps to employ skilled, qualified, and vetted people for positions that are likely to have regular contact with children and young people. Through clearly articulated selection criteria and advertisements which clearly demonstrate our commitment to child safety and an awareness of our social and legal responsibilities, the parliamentary departments understand that when recruiting staff, we have ethical as well as legislative obligations.

We actively encourage applications from Aboriginal people, people from culturally and/or linguistically diverse backgrounds and people with a disability.

All staff who are engaged in child-related work (as defined in the *Worker Screening Act 2020*) and who are not exempt (for example, registered teachers and police officers) are required to hold a Working with Children Check and are required to provide evidence of this check prior to employment. Staff that may otherwise have ad-hoc contact with children and young people as part of their working environment will be assessed as to whether a Working with Children Check is required to minimise the risk of harm to children and young people.

We carry out reference checks and police record checks to ensure that we are recruiting people suitable to working within the parliamentary departments. If during the recruitment process a person's records indicate a disclosable outcome, then the person will be given the opportunity to provide further information and context.

## **5. REPORTING CHILD SAFETY CONCERNS AND INCIDENTS**

### **5.1. Reporting**

The parliamentary departments take all allegations relating to child safety seriously and have processes in place to respond and investigate thoroughly and quickly.

All staff must report breaches of this Child Safety and Safeguarding Policy to the Child Safety Officer.

Staff must ensure that all children and families know what to do and who to tell if they observe abuse or are a victim, or if they notice inappropriate behaviour.

Individuals have the right to make a report without fear of reprisal and be offered support through the process.

All staff have a responsibility to report an allegation of abuse if they have a reasonable belief that an incident took place. If an adult has a reasonable belief that an incident has occurred, they must report the incident. Factors contributing to reasonable belief may include:

- a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves);
- behaviour consistent with that of an abuse victim is observed;
- someone else has raised a suspicion of abuse but is unwilling to report it; and
- observing suspicious behaviour.

To report the behaviour of a parliamentary department staff member, individuals can contact the Child Safety Officer:

email: [childsafetyofficer@parliament.vic.gov.au](mailto:childsafetyofficer@parliament.vic.gov.au)

These details are also published on the Parliament of Victoria's website.

Staff can also report a child safety concern to their manager or their Department Head.

All reports will be handled professionally and expediently and will be treated confidentially in accordance with the Privacy Policy.

If a child is in immediate danger, Victoria Police should be contacted on 000 (Triple 000).

## 5.2. Response

The parliamentary departments have appointed a Child Safety Officer working to the following objectives:

- to ensure that reportable conduct incidents and staff who report any incidents and organisational obligations in relation to reporting are managed effectively, efficiently and in compliance with all legislative obligations;
- to ensure the parliamentary departments are at the forefront of being child safe organisations and reinforcing that child safety is of paramount importance;
- to assist in managing and maintaining a robust governance framework; and
- to be focused on the total management and compliance of reported incidents relating to child safety.

The Child Safety Officer will discuss the report with the appropriate Department Head and will then decide upon the next steps. At a minimum, an interview will be conducted with the person/persons who made the allegations and, as relevant, other witnesses to gather more information with which to make a decision.

In fulfilling these objectives, the Child Safety Officer will action findings from child safety reviews or investigations and facilitate changes through consultation to relevant policies and procedures where appropriate.

Any inappropriate behaviour may also be reported through appropriate channels, including Child Protection [Reporting child abuse - DFFH Services](#), Orange Door [Family violence support and extra help for children and families \(orangedoor.vic.gov.au\)](#) or Victoria Police, depending on the severity and urgency of the matter.

If the complaint is of an alleged criminal offence, the complainant and/or the relevant Department Head may report the matter to Victoria Police.

The rights and safety of the child is central to the process, and as such parliamentary departments will make every effort to protect the rights and safety of the child throughout any investigation.

### 5.3. Support

Where appropriate, following a reported child safety concern, the parliamentary departments will:

- assist alleged victims and their families to access counselling and support services; and
- provide support to affected staff through our Employee Assistance Program.

## 6. RECORD KEEPING, PRIVACY AND INFORMATION SHARING

The collection and storage of any information in relation to this policy must be in line with the [Privacy Policy](#), Records Management Policy and relevant legislative obligations.

The parliamentary departments keep a record of child abuse and harm disclosures, child safeguarding incidents, complaints, allegations or concerns, including any required investigations and the related findings, and will keep information confidential unless required to provide or report the information to meet legislative obligations and to prioritise the safety and wellbeing of a child or young person.

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be staff, families or children, unless there is a risk to someone's safety. We have safeguards and practices in place to ensure any personal information is handled in accordance with our [Privacy Policy](#), Records Management Policy and relevant legislative obligations. Everyone is entitled to know how this information is recorded, what will be done with it and who will have access to it. This is intended to protect anyone reporting concerns or incidents and to ensure that all parliamentary staff are comfortable to disclose any concerns or allegations in relation to child safety without repercussions.

If a safety concern or an allegation of abuse is raised, we provide updates to children and families on progress and actions taken by the parliamentary departments.

## 7. ADDITIONAL CONSIDERATIONS

Consideration will at all times be given to:

- **Failure to disclose:** Reporting child sexual abuse is a community-wide responsibility. All adults in Victoria who have reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to Victoria Police.
- **Failure to protect:** People of authority at the parliamentary departments will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.
- **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.
- **Reportable conduct:** The relevant Department Head must be made aware of any allegations of physical and sexual abuse, sexual misconduct, significant emotional or psychological harm or significant neglect by an employee towards a child.
- **Duty of care:** All parliamentary department employees, contractors and volunteers must take reasonable steps to protect children in their care from the risks of injury that are reasonably foreseeable.

**NOTE:** Section 327 of the *Crimes Act 1958* states that any person 18 years of age or older who has information that leads them to form a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person 18 years or older must disclose that information to a police officer as soon as it is practicable to do so, unless the person has a reasonable excuse for not doing so.

## 8. RISK MANAGEMENT

In addition to general occupational health and safety risks, we proactively manage risks of abuse to children.

A risk management approach is applied to minimise the potential for abuse, harm, or neglect to occur to children and/or young people. This approach is used to inform policies, procedures, and activity/events planning. The parliamentary departments have a Risk Management Policy and Framework and maintains a risk register including the identified risks of child abuse.

The following elements are included in the approach to child safety risk management:

- environmental risks (e.g. areas that might obscure a line of sight);
- vulnerability risks (e.g. activities that may foster personal relationships between staff/volunteers and children who have an increased risk of being exploited, such as children who are highly vulnerable and dependent on the staff/volunteer for their needs);
- staff are made aware of their responsibility for identifying risks of child abuse and their obligation to work with the relevant parliamentary department on reducing those risks;
- families and children are made aware of how to report on identified risks of child abuse; and
- risk assessment corrective action plans are living documents that are updated as required, referred to regularly, and reviewed periodically.

## 9. REGULAR REVIEW

As part of reviewing our policies, procedures and child safe practices, future policy improvements will take into consideration:

- analysis of complaints, concerns, safety incidents and significant breaches of policy;
- feedback sought from staff, children, families, and communities; and
- the Child Safe Standards as revised from time to time.

## 10. DEFINITIONS

Term	Meaning
<b>Aboriginal/Torres Strait Islander child</b>	A child or young person up to the age 18 years who is of Aboriginal or Torres Strait Islander descent, identifies as Aboriginal or Torres Strait Islander, and is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.
<b>Abuse</b>	Abuse is an act or acts which endangers a child's health, wellbeing and/or development. It can be a single event or a series of traumatic events. It includes: <ul style="list-style-type: none"><li>• Physical abuse</li><li>• Sexual abuse</li><li>• Emotional abuse</li><li>• Cumulative harm</li><li>• Exposure to family violence</li><li>• Neglect</li><li>• Grooming</li><li>• Multi-dimensional harm</li></ul>
<b>Child/ren</b>	Any persons under the age of 18 years.



Term	Meaning
<b>Child abuse</b>	<p>The behaviour by a person or people in a position of responsibility, trust or power that results in a child or young person being harmed physically or emotionally. The term child abuse includes a wide range of harmful behaviour and conduct towards a child or young person, it may include but is not limited to following conduct:</p> <ul style="list-style-type: none"> <li>• sexual abuse (against, with or in the presence of a child or young person) sexual misconduct (against, with or in the presence of a child or young person)</li> <li>• physical violence (against, with or in the presence of a child or young person)</li> <li>• emotional/psychological abuse</li> <li>• neglect</li> <li>• grooming</li> <li>• family violence (against, with or in the presence of child or young person)</li> </ul> <p>The Standards require parliamentary departments to prevent and respond to child abuse or harm caused by adults, as well as other children and young people.</p>
<b>Child safe organisation</b>	<p>In the context of the Child Safe Standards, a child safe organisation is one that takes deliberate steps to protect children from abuse. This commitment to protecting children must be embedded in an organisation’s culture and policies.</p>
<b>Commission for Children and Young People</b>	<p>An independent statutory body that promotes the improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people. The Commission for Children and Young people is a regulator for the Victorian Child Safe Standards and is responsible for administering the Reportable Conduct Scheme.</p>
<b>Contractors</b>	<p>Any type of business entity or individual (which may include all their staff and sub – contractors) contracted by the parliamentary departments to provide a specific service or range of services in accordance with the contract terms and the defined scope of contract.</p>
<b>Cultural safety</b>	<p>An environment that is safe for people, where there is no assault, challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience of learning, living and working together with dignity and truly listening.</p>
<b>Disability and Inclusion Action Plan</b>	<p>The Disability Action and Inclusion Plan is a Parliament-wide initiative and sets out the strategy to eliminate discrimination against people with disability.</p>
<b>Employee</b>	<p>Directly employed individual including but not limited to: agency appointments, and those staff on short and long term employment agreements and volunteers.</p>
<b>Failure to disclose</b>	<p>As defined in the <i>Crimes Act 1958</i>, a failure to act on the legal obligation upon all adults to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult (18 years and over) against a child under the age of 16 (16 being the legal age of consent).</p>

Term	Meaning
<b>Failure to protect</b>	As defined in the <i>Crimes Act 1958</i> , a person with power and authority who fails to protect a child from criminal sexual abuse, they know of the risk of abuse, and are able to reduce or remove the risk but fail to do so.
<b>Harm</b>	The damage to the health, safety or wellbeing of a child or young person. Harm can arise from a single act or event; it can also be cumulative as a result of a series of acts or events over time. The Child Safe Standards require the parliamentary departments to prevent and respond to child abuse or harm caused by adults, as well as other children and young people
<b>Grooming</b>	As defined in the <i>Crimes Act 1958</i> , the act of communication, including online communication, with a child under the age of 16 or their parents with the intent of committing child sexual abuse. This includes predatory conduct undertaken to prepare a child for sexual abuse at a later time with the groomer (aged 18 years old or over) or another adult.
<b>Linguistically diverse children</b>	A child or young person who identifies as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home, or because of their parents' identification on a similar basis.
<b>Mandatory reporting obligations</b>	Refers to the legal requirement, in the <i>Children, Youth and Families Act 2005</i> , of certain groups of people to report a reasonable belief of child physical or sexual abuse to child protection authorities. Parliamentary officer roles with mandatory reporting obligations include Education Advisers.
<b>Reasonable belief</b>	A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. A person forms a 'reasonable belief' that a child is in need of protection, or their safety or wellbeing is at risk, when: <ul style="list-style-type: none"> <li>• They are more likely to accept rather than reject their suspicion; and</li> <li>• The belief is formed through disclosures, observations or other information of which they have become aware.</li> </ul>
<b>Reconciliation Action Plan</b>	A framework which documents the Parliament of Victoria's structured approach in advancing reconciliation through developing and strengthening relationships with Aboriginal and Torres Strait Islander peoples, engaging staff and stakeholders in reconciliation.
<b>Reportable conduct</b>	Reportable conduct includes sexual offences, sexual misconduct and physical violence against, with or in the presence of, a child; behaviour that is likely to cause significant emotional or psychological harm to a child; and significant neglect of a child.
<b>Victorian Child Safe Standards</b>	11 Standards that certain categories of organisations and businesses in Victoria are required to legislatively comply with. The Child Safe Standards aim to: <ul style="list-style-type: none"> <li>• promote the safety of children and young people</li> <li>• prevent child abuse</li> <li>• ensure organisations and businesses have effective processes in place to respond to and report all allegations of child abuse</li> </ul>

## 11. RELEVANT LEGISLATION, POLICIES AND OTHER DOCUMENTATION

Document Name	Detail
<i>Child Wellbeing and Safety Act 2005 (Vic)</i>	<a href="#">Act in force</a>
<i>Crimes Act 1958</i>	<a href="#">Act in force</a>
<i>Children Youth and Families Act 2005</i>	<a href="#">Act in force</a>
<i>Wrongs Act 1958</i>	<a href="#">Act in Force</a>
Commission for Children and Young People - Child Safe Standards	<a href="#">Guidance</a>
Department of Families, Fairness and Housing - Child Safe Standards	<a href="#">Guidance</a>

Table 1: Relevant legislation, policies and other documentation

## 12. FURTHER INFORMATION

### Contact

Child Safety Officer  
[childsafetyofficer@parliament.vic.gov.au](mailto:childsafetyofficer@parliament.vic.gov.au)