

Child Safety

Complaints and Reporting Procedure



Purpose

The purpose of this Child Safety Procedure is to provide clear guidance on Arts Centre Melbourne's (ACM) reporting procedure for alleged, suspected or observed breaches of the Child Safety Policy, Child Safety Code of Conduct and related Procedures.

Scope

This procedure applies to the Trust and management of the Victorian Arts Centre Trust trading as Arts Centre Melbourne ("ACM").

This procedure applies to all people who may work with children at any time at ACM including:

- employees
- volunteers
- contractors and sub-contractors including workshop facilitators and arts learning teachers
- work experience students/interns/secondments
- any other individual working in the organisation that may deal with children
- licensees/presenters utilising ACM venues, and their associated persons; including, their employees, contractors, agents, invitees, guests, artists and any person granted access to ACM at the request of the licensee/presenter

Procedure

1 Reporting a Child Safety concern

1.1 Who can make a report?

Any person (including ACM team members, parents/legal guardians and children) who has concerns about the safety of any child involved with ACM should promptly report their concerns or lodge a complaint.

Any ACM team member who witnesses an incident of non-acceptable behaviour towards a child (including by another child), is obliged to report the incident to a Frontline Child Safety Officer (Duty Manager), the ACM Child Safety Officer (Director, Strategy & Governance), or any other available member of ACM Management as a matter of urgency. In addition to reporting the incident the team member should ensure that the child is safe from any further possible incidents.

1.2 What concerns should be reported?

Any of the following incidents should be reported:

- (a) alleged, suspected or observed incidents of abuse or harm;
- (b) breach of the ACM Child Safety Policy, Child Safety Code of Conduct or any other Child Safety policies and procedures; or
- (c) health and safety issues (e.g. unsafe production sets, children working in extreme weather conditions).

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Refer to Attachment B for descriptions of the different types of Child Abuse and Attachment C for information on how to recognise signs of potential abuse or neglect.

Call the police on 000 if you have immediate concerns for a child's safety and report the incident to a Frontline Child Safety Officer (the Duty Manager) or the ACM Child Safety Officer (Director, Strategy and Governance).

1.3 Who should complaints be reported to?

The Frontline Child Safety Officer (Duty Manager) is the first point of contact to provide advice and support to children, parents/legal guardians and ACM team members regarding the safety and wellbeing of children engaging with ACM.

All complaints regarding non-compliance with the Child Safety Policy should be submitted to the Frontline Child Safety Officer via the communication method with which the complainant feels most comfortable (e.g. email, phone, face-to-face). Any other ACM team member who is approached by a child or parent/legal guardian with a complaint should connect the child or parent/legal guardian with the Frontline Child Safety Officer while adhering to section 2.1 of this procedure.

If a child or adult alleges any criminal activity has occurred, such as physical or sexual abuse, the police will be informed promptly to ensure they can manage immediate risks and investigate.

There may also be compliance requirements in relation to the Victorian Reportable Conduct Scheme – refer section 5 of this Procedure and also Attachments D & E for further information.

1.4 Arts Centre Melbourne's independent and confidential reporting partner, **Your Call**.

- 2** If you feel unable to make a complaint or report through the channels at clause 1.3 above, you can also make a report or seek support via Arts Centre Melbourne's independent and confidential reporting partner, Your Call. You may choose to remain anonymous or identify yourself only to Your Call, and may report online at any time via **yourcall.com.au/report** (organisation ID: **ACM3004**) or 9am – midnight on recognised business days by calling 1300 790 228. **Investigate**

2.1 How will ACM team members handle complaints from children?

It is important that children know who to talk to if they need to raise an issue and that they feel comfortable and supported in doing so. An ACM team member that receives a complaint from a child will:

- (a) Let the child talk about their concerns in their own time and words, giving the child full attention, time and space to raise their issues
- (b) Be a supportive and reassuring listener
- (c) Tell the child that raising their concerns was the right thing to do and let them know in plain language the process by which their concerns will be addressed and acted upon
- (d) Record the nature of the complaint in the child's own words
- (e) Contact the child's parents/legal guardian if appropriate (not if the abuse claim relates to the child's parents/legal guardian or an immediate family member).

2.2 How will complaints be handled by ACM?

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ACM is committed to being responsive to concerns raised by team members, children and parents/legal guardians, and seeks to resolve issues to the satisfaction of all parties. If ACM becomes aware of or has been alerted to a risk of child abuse within our spaces, it will act to reduce or remove the risk and protect the child as a first priority.

Upon receiving a complaint either directly or via a Frontline Child Safety Officer, the ACM Child Safety Officer will make a preliminary assessment of the severity of the child safety breach and promptly contact Victoria Police if it is alleged any criminal activity has occurred, such as physical or sexual abuse of a child.

In all other circumstances, the following Investigation process will be followed:

- (a) The ACM Child Safety Officer must, within 24 hours of receiving notification of the reported child safety breach, appoint a Breach Investigator with responsibilities to:
 - i. review the nature and circumstances of the incident;
 - ii. provide the opportunity for the person complained against to reply to the complaint;
 - iii. confirm if a breach of the Child Safety Policy has occurred;
 - iv. determine corrective actions to address the specific incident as well as potential for recurrence of the breach; and
 - v. report the outcome of the investigation in a timely manner, in accordance with sections 3 and 4 of this Procedure.
- (b) If appropriate, the Director, Strategy and Governance may act in the role of Breach Investigator.
- (c) Where the complaint is made about an ACM team member, the ACM Child Safety Officer will promptly advise Human Resources and the team member's Executive Director of the report and the planned investigation.
- (d) The child and parents/legal guardian (if appropriate) will be informed of the steps ACM is taking to address the complaint. ACM may also provide support to the child by referring and assisting the child and/or parents to access other appropriate services.
- (e) If a complaint has been made about the actions of another child, the ACM Child Safety Officer will inform that child's parents/legal guardian of the complaint and that an investigation is being undertaken.
- (f) If the complaint is made about an ACM team member which may involve reportable conduct, the ACM Child Safety Officer must also comply with the notification and reporting requirements of section 5 of this Procedure. Refer to Attachment D for information about reportable conduct.

3 Outcome

Any investigation finding that child abuse or neglect is likely to have occurred will be referred to an appropriate authority for further investigation and action pursuant to the law.

In the event that an ACM team member is found to have breached the Child Safety Policy, the Child Safety Code of Conduct or other related Policies or Procedures, the ACM Child Safety Officer will inform the relevant Executive Director of the result of the investigation.

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Where the complaint was made against a person who is not an ACM team member, the child's parents will be advised of the investigation outcome, and they may choose whether to take any further action.

4 Resolution

Where a child safety breach by an ACM team member has been found to have occurred, but the matter is not deemed serious enough to refer to an external authority, the relevant Executive Director shall determine whether the team member should be subject to disciplinary action.

To ensure procedural fairness, any team member involved in a complaint about non-compliance with child safety policies and procedures is entitled to be represented by a person of their choice.

All complaints about non-compliance with child safety policies and procedures shall be documented, including record of action taken, any investigation conducted, and any reports made to statutory or external bodies. These records remain confidential in accordance with security and privacy requirements unless otherwise requested to be released by law.

The safety of the child at risk of harm is ACM's primary concern, with due consideration of confidentiality and fairness against any person whom a complaint is made against.

Any learnings from child safety incidents or investigations will be applied to improve ACM's policies, procedures and practices to ensure that ACM continues to provide the safest environment possible for children.

5 Victorian Reportable Conduct Scheme

- 5.1 The Victorian Government amended the Child Wellbeing and Safety Act 2005 to introduce the Reportable Conduct Scheme which applies to ACM from 1 January 2019.
- 5.2 The Scheme requires that ACM notify the Commission for Children and Young People (CCYP) about allegations of child abuse and child related misconduct made against ACM employees, volunteers and contractors.
- 5.3 If the ACM Child Safety Officer becomes aware of a reportable allegation against a team member, they must notify the CCYP **within three business days**:
 - (a) that a reportable allegation has been made against an employee;
 - (b) the name of the employee, including any former names and aliases, if known;
 - (c) the date of birth of the employee;
 - (d) whether Victoria Police has been contacted;
 - (e) the name, address and telephone number for the organisation; and
 - (f) the name of the head of the organisation.

It is a criminal offence not to notify the CCYP of a reportable allegation.

- 5.4 Creative Victoria (both the Deputy Secretary, CV, and the Director, Agencies & Infrastructure) must also be notified about reportable conduct allegations within the same 3 business day window for notifying the CCYP.

Creative Victoria Contact:

Isolde Forstmanis

Government and Information, Agencies & Infrastructure | Creative Victoria
Department of Economic Development, Jobs, Transport and Resources

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Level 31, 121 Exhibition St, Melbourne, 3000

Phone: (03) 8683 3176

Email: isolde.forstmanis@ecodev.vic.gov.au

- 5.5 **As soon as possible and within 30 calendar days** after becoming aware of the reportable allegation the ACM Child Safety Officer must provide the CCYP:
- (a) detailed information about the reportable allegation;
 - (b) whether or not disciplinary or other action has been taken against the employee;
 - (c) reasons as to why disciplinary or other action is to be taken or not be taken; and
 - (d) any written submissions the employee wishes to be considered in determining disciplinary or other action to be taken against them.

It is also criminal offence not to provide the Commission the information referred to above within 30 calendar days.

- 5.6 As soon as practical following ACM investigation, the ACM Child Safety Officer must provide a copy of the investigation findings and information about actions taken to the Commission, subject to section 5.7
- 5.7 **If Victoria Police are investigating the allegation, ACM must not commence an investigation until they have received permission from Victoria Police. Reporting to other bodies, regulators and Victoria Police does not replace the need to notify the CCYP.**
- 5.8 Reports to CCYP are made via an online report web form designed to guide users through the process of reporting and the information that must be included in the report. The ACM Child Safety Officer can include as much information available at the time, in addition to the minimum requirements outlined:
<https://ccyp.vic.gov.au/reportable-conduct-scheme/reportable-conduct-scheme-forms/>
- 5.9 For a summary of what is reportable conduct and ACM's obligations under the Victorian Reportable Conduct Scheme, see Attachments D & E below.

Child Safety | Complaints and Reporting Procedure**Attachment A – Definitions**

Key Term	Definition
ACM	The Victorian Arts Centre Trust trading as Arts Centre Melbourne
ACM Management	Director, Executive Director or the Chief Executive Officer.
ACM Child Safety Officer	Director, Strategy & Governance
Chief Executive Officer (CEO)	The Chief Executive Officer of Arts Centre Melbourne.
Child	Includes children and young people under the age of 18 (unless otherwise specified by law). In the case of the Child Employment Act 2003, it means a person under 15 years of age.
Child Abuse	Refer Attachment B for definitions of Child Abuse.
Director	A member of ACM Management who reports directly to an Executive director or the Chief Executive Officer and has responsibility for leading a Business Unit.
Executive Director	A member of the Executive management team and a direct report to the Chief Executive Officer.
Frontline Child Safety Officer	The Duty Manager at that time.
Manager	A senior employee who directs the work of other Arts Centre Melbourne team members within a specific segment or unit of the business.
Reportable conduct	Refer Attachment D for definitions of reportable conduct.
Team member	<p>An individual who is:</p> <ul style="list-style-type: none"> a) employed directly by ACM; b) indirectly employed through ACM (including by way of a consultancy, agreement or contract) such as through funds administered by ACM; or c) a temporary employee. <p>For the purposes of this policy, the term 'team member' includes volunteers, contractors and sub-contractors including workshop facilitators and arts learning teachers, work experience students, interns and secondments, and any other individual in the organisation that may deal with children.</p>
Temporary employee	A person who is approved to use the facilities of ACM for a temporary assignment, observation or research or a short term consultancy agreement. Types of temporary workers who fall into this category include volunteers, visiting research fellows and students.
Trust	The Victorian Arts Centre Trust.

Attachment B – What is Child Abuse?

Physical violence

Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways, including beating, shaking, burning or use of weapons (such as, belts and paddles).

Sexual offences

Sexual offences occur when a person involves the child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to his/her age and development. Child sexual abuse can involve a range of sexual activity including fondling, masturbation, penetration, voyeurism and exhibitionism. It can also include exposure to or exploitation through pornography or prostitution, as well as grooming behaviour. Grooming refers to a person over 18 years communicating (including online or via mobile) with a child or with a person who supervises or has authority for a child with the intention to create a situation that enables them to abuse a child.

Sexual misconduct

'Sexual misconduct' captures a broader range of inappropriate behaviours of a sexual nature that are not necessarily criminal. Examples of sexual misconduct include:

- developing an intimate relationship with a child, for example, through regular contact with the child without the knowledge or approval of the organisation's management;
- inappropriately discussing sex and sexuality with a child; and
- other overtly sexual acts that could lead an organisation to take disciplinary or other action

Serious emotional or psychological abuse

Serious emotional or psychological abuse occurs when harm is inflicted on a child through repeated rejection, isolation, or by threats or violence. It can include derogatory name-calling and put-downs, or persistent and deliberate coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological abuse could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

Serious neglect

Serious neglect is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or is likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life threatening situations. There are a number of different types of neglect including supervisory, physical, educational and emotional neglect. Examples of each type of neglect and guidance to help organisations identify significant neglect are available on the CCYP website.

Call the police on 000 if you have immediate concerns for a child's safety and report the incident to the ACM Child Safety Officer (Director, Strategy and Governance).

Sources: Victorian Department of Health and Human Services (November 2015), *An overview of the Victorian child safe standards* and Commission for Children and Young People Information Sheet 2 *What is reportable conduct under the Reportable Conduct Scheme?* (Last update 19 June 2018)

Attachment C – Recognising the Signs of Child Abuse

Type of Abuse	Possible Indicators	
	Physical	Behavioural
Physical violence	Unexplained bruises Burns and/or fractured bones	Showing wariness or distrust of adults Wearing long sleeved clothes on hot days (to hide bruising or other injury) Fear of specific people Unexplained absences Academic problems
Sexual offences	Presence of sexually transmitted diseases Pregnancy Vaginal or anal bleeding or discharge	Displaying sexual behaviour or knowledge that is unusual for the child's age Difficulty sleeping Being withdrawn Complaining of headaches or stomach pains Fear of specific people Showing wariness or distrust of adults Displaying aggressive behaviour
Emotional or psychological abuse	Delays in emotional, mental, or even physical development Physical signs of self-harming	Exhibiting low self-esteem Exhibiting high anxiety Displaying aggressive or demanding behaviour Being withdrawn, passive and/or tearful Self-harming
Serious neglect	Frequent hunger Malnutrition Poor hygiene Inappropriate clothing	Stealing food Staying at school outside of school hours Aggressive behaviour Misusing alcohol or drugs Academic issues

Call the police on 000 if you have immediate concerns for a child's safety and report the incident to the ACM Child Safety Officer (Director, Strategy and Governance).

Source: Victorian Department of Health and Human Services (November 2015), *An overview of the Victorian child safe standards*

Attachment D – What is Reportable Conduct?

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

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- physical violence (against, with or in the presence of, a child)
- behaviour that causes significant emotional or psychological harm
- significant neglect.

Exceptions

An allegation will not be reportable if:

- the worker or volunteer has taken reasonable steps to protect a child from immediate harm;
- the worker or volunteer has responsibility for discipline and has taken lawful and reasonable disciplinary action, such as sending a child to sit in 'time out' for a period of time, in line with organisational policy; or
- the worker or volunteer is an appropriately qualified worker or volunteer who has given medical treatment in good faith, such as a senior first aid officer administering first aid.

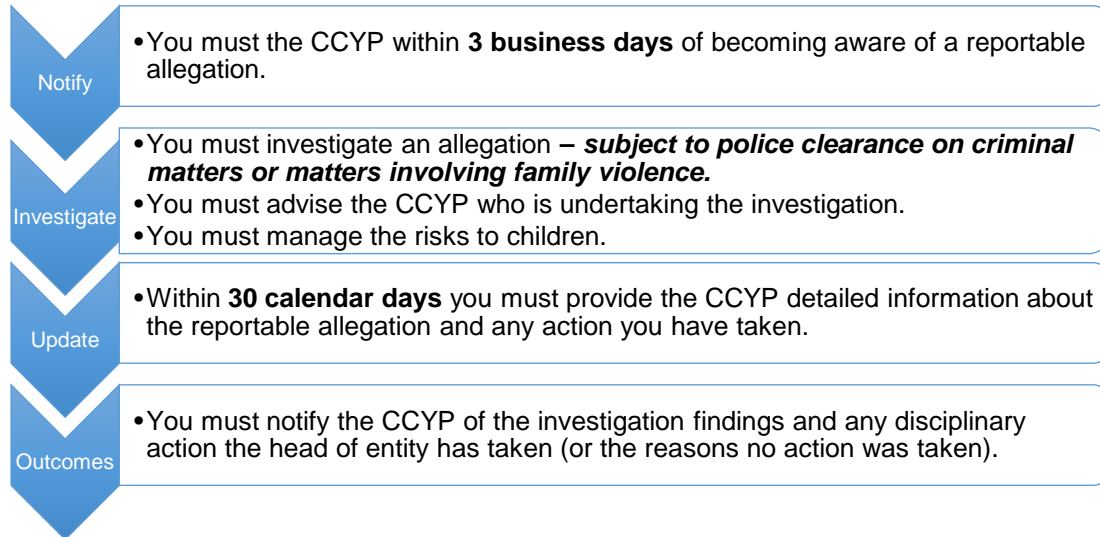
Further information is also available on the Commission for Children and Young People's website at:

www.ccyp.vic.gov.au.

The CCYP website resource material contains detailed information sheets, including information about types of reportable conduct, reporting obligations and investigation process: <https://ccyp.vic.gov.au/child-safety/resources/reportable-conduct-scheme-information-sheets/>

Attachment E – Obligations under the Reportable Conduct Scheme

A snapshot of a head of organisation’s obligations under reportable conduct:



Source: Commission for Children and Young People Information Sheet 1 About the Victorian Reportable Conduct Scheme (Last updated 21 March 2018)

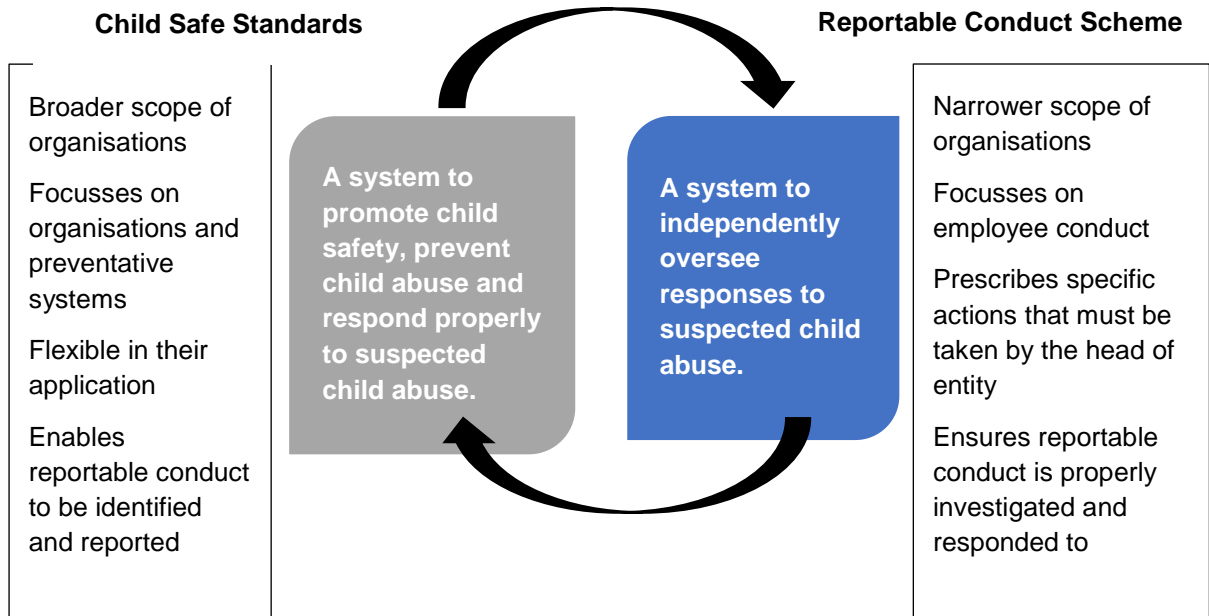
The Child Wellbeing and Safety Act 2005 states that the head of an organisation is required to make the report to CCYP. To discharge their obligation, the CEO may delegate the tasks listed above to be carried out by the ACM Director, Strategy & Governance or ACM appointed Breach Investigator, as appropriate.

It is a criminal offence not to notify CCYP of a reportable allegation.
It is also a criminal offence not to provide CCYP the information referred to above within 30 calendar days.
 As soon as practical, following investigations, a copy of the investigation findings and information about actions must be provided to CCYP.

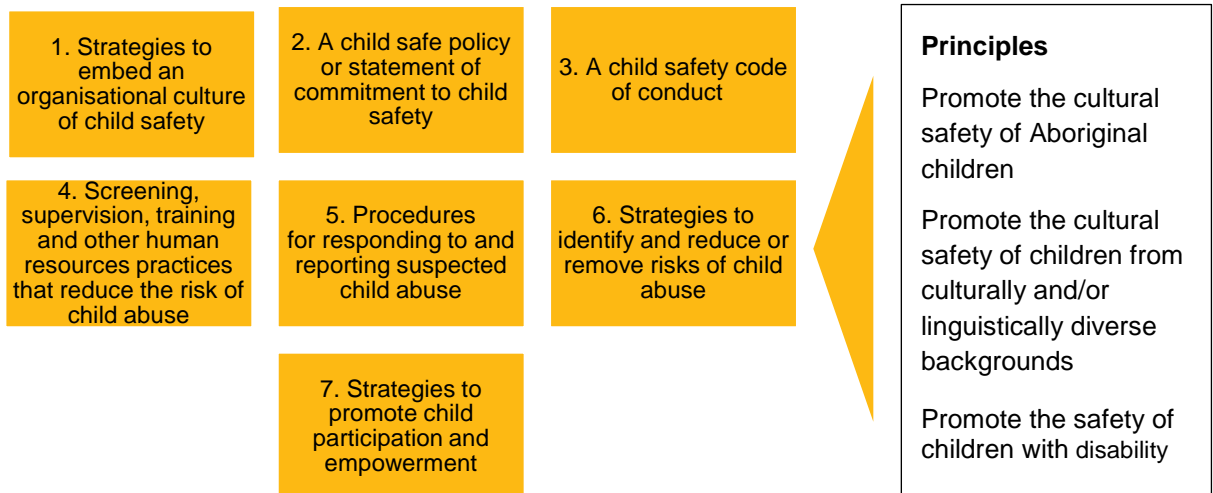
Creative Victoria (both the Deputy Secretary, CV, and the Director, Agencies & Infrastructure) must also be notified about reportable conduct allegations within the same 3 business day window for notifying the CCYP.

If an allegation is criminal in nature, the ACM Director, Strategy and Governance or Breach Investigator MUST get clearance from Victoria Police before beginning any investigation.

Attachment F – How Child Safe Standards and the Reportable Conduct Scheme work together



Child Safe Standards focus on organisations and what they do to promote child safety, prevent child abuse and respond to suspected child abuse. There are seven standards and three principles that organisations must consider.



Source: Commission for Children and Young People Information Sheet 6 Child Safe Standards and Reportable Conduct Scheme (Last updated 21 March 2018)

Organisations that meet the Child Safe Standards are likely to have the systems in place to meet the requirements of the Reportable Conduct Scheme.

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Supporting Documentation

a) Forms and Records Management

Forms or records that are generated by the policy are as follows:

Record	Retention Period	Location
Child Safety Complaints	7 years	Electronic filing system
Investigation report	7 years	Electronic filing system

b) Related Policies and Procedures

Policy or Procedure
Child Safety Policy

Governance

a) Responsibility

Procedure Owner	Director, Strategic Planning and Governance
Approving Executive	Chief Executive Officer

b) Version Control and Change History

Version Number	Approval Date	Approved by	Amendment
1.0	January 2017	Chief Executive Officer	First version
2.0	November 2018	Chief Executive Officer	Updates to reflect compliance requirements of the Victorian Reportable Conduct Scheme effective for ACM from 1 January 2019.
Post Implementation Review			
Due Date			November 2020