



WORKING WITH CHILDREN & YOUNG PEOPLE POLICY

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Drafted by:	Strategic Finance Executive	Board approval on:	June 2023
Responsible Person:	Strategic Finance Executive	Scheduled Review Date:	June 2024

INTRODUCTION

Big Yellow Umbrella (BYU) is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse.

Aligned with the Code of Conduct policy and other legislations such as the Child Protection (Working with Children) Act 2012 (NSW), Big Yellow Umbrella is obliged to have policies and procedures implemented that promote the safety and wellbeing of all children using its services and programs.

Everyone working at Big Yellow Umbrella is responsible for the care and protection of children and reporting information about child abuse.

PURPOSE

The purpose of this Policies and Procedures is:

- To facilitate the prevention of child abuse occurring within Big Yellow Umbrella
- To work towards an organisational culture of child safety
- To define the age of consent to attend programs and the process of consent that is required.
- To ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs.
- To provide guidance to staff/volunteers/contractors and students as to action that should be taken where they suspect any abuse within or outside of the organisation.
- To provide a clear statement to staff/volunteers/contractors and students forbidding any such abuse
- To provide assurance that any and all suspected abuse will be reported and fully investigated
- To provide children with a safe and secure environment
- To provide staff with an evidence-based framework that underpins practice when working alongside children, young people, and their families.

POLICIES

This Working with Children Policy applies to all staff, volunteers, students, and Board members of BYU.

Understanding Parental Consent for BYU

BYU uses the Office of the Advocate for Children and Young People understanding of informed consent when it says "People have the legal capacity to consent if they have the mental ability and maturity to understand the nature and effect of what they are consenting to. Age is a relevant, but not decisive factor in assessing this. (Youth Affairs Council of Victoria, 2004). The Australian Association of Social Workers confirm that there is no federal, state or territory law that establishes a uniform age whereby workers must obtain consent to work with children.

However, when seeking to involve the participation of children and young people under the age of 12, BYU generally should obtain the permission of an adult who has legal responsibility for the child or young person, such as a parent, carer, or government official.

BYU recognises that the age when consent is required will vary according to the particular young person and the nature and environment of the project. For example, when recruiting children and young people through schools, parental consent will be mandatory regardless of their age. There could also be instances where seeking parental consent is inappropriate and offers no protection, such as neglectful or abusive parents (Spriggs, 2010).

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In this case, BYU's staff must ensure the child or young person has the maturity, are informed, and consulted about their participation in a way that facilitates informed choice separate from their parents.

All staff, volunteers, students, and Board members of BYU agree to:

- Promote and protect duty of care for the best interest of children involved in all programs.
- Gain relevant consent to attend BYU programs, including the risk assessment process for children providing their own consent.
- Ensure all children, regardless of their race, gender, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from abuse.
- Be responsible for the care and protection of the children within our care and reporting information about suspected child abuse.
- Support and respect all children.
- Commit to the cultural safety of Aboriginal children and those from culturally and/or linguistically diverse backgrounds.
- Provide a safe and accessible environment for children with a disability.
- Provide a mandatory report to DCJ, if there is any belief of child abuse or risk of significant harm to a child.
- Uphold their responsibilities as a mandatory reporter if there is belief of child abuse.

DEFINITIONS

Child means a person between the ages 0 and 16.

Young Person means a person between the ages of 16 and 18.

Children's age requiring Guardian consent to attend programs at BYU has been determined as 12 years and under because these decisions are low risk and are not medical in nature. A [Client 12 or Under Consent Form](#) in line with Responding to Client Risk Policy will be used if this consent is not possible or comes with serious risk.

Child abuse means all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect, or negligent treatment, commercial (e.g., for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child.

Child protection means any responsibility, measure or activity undertaken to safeguard children from harm.

Child sexual assault is any act which exposes a child to, or involves a child in, sexual processes beyond their understanding or contrary to accepted community standards.

Duty of Care is a common law concept that refers to the organisations obligation to provide children with a reasonable level of protection against foreseeable harm. The organisation has a duty to protect children from foreseeable risk of physical injury or emotional harm.

Informed Consent is when an individual understands what they agree to and has been made aware of the risks and benefits.

Child Consent Form determines whether the child or young person is able to give consent, knows what they are agreeing to and are aware of the risks and benefits of their choice.

Mandatory Reporter refers to an individual required under Section 27 of the Children and Young Persons (Care and Protection) Act 1998 to report to the Child Protection Helpline when he/she has reasonable grounds to suspect that a child or young person, or a class of children/young people is at risk of significant harm from abuse or neglect.

Neglect is often considered to be a failure on the part of a caretaker, to provide adequate supervision, emotional nurturance, appropriate medical care, food, clothing, and shelter for a child.

Reasonable grounds for belief are a belief based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are considered and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

Risk of Significant Harm (ROSH) refers to circumstances that are causing concern for the safety, welfare, or wellbeing of a child.

Early Intervention is any service offered to children and or young people that promotes wellbeing through provision of effective supports that nurture personal development, internal resilience and fosters connection.

Crisis reflect private struggles with stressful circumstances and transitions that challenge a client's coping capacity and call for new levels of resourcefulness (Turley, 2013). Crisis can relate to situational circumstances or specific life events.

Specific to young people, crisis situations often manifest when the physical and emotional safety of young people is compromised or threatened and those responsible for their care do not have the capacity to deal with stressors and/or provide adequate protection (The Centre for Youth AOD Practice Development).

Crisis intervention crisis intervention is a targeted and time framed response to acute distress and/or a situational event that aims to address the clients' immediate needs.

Practice Framework

All services provided to children and young people by BYU staff, volunteers, and students are underpinned by a strength based, person/family centered, dignity affirming and trauma informed practice framework.

This means that:

- The work undertaken is driven by the belief in the children and young people we work alongside and their abilities and inherent strengths.
- BYU practices in a way that acknowledges the community and clients as experts.
- That all services are founded upon safety, choice, collaboration, trust, and empowerment.
- That children and young people are seen in context of their environment and relationships.

Practice Principles

All BYU staff, volunteers, and students practice in a manner that:

- Promotes collaboration, working in partnership with community and clients.
- Respects the clients right to choose and autonomy.
- Upholds hope for clients by believing that optimal outcomes are possible.
- Are strengths based; working alongside clients in community to support identification of the strengths they already possess?
- Is dignity affirming; upholding client rights and working in a manner that models respect?
- Upholds client rights through informed consent practices and transparent communication where possible, for example: clients knowing what BYU is doing and why they are doing it.
- Gives power back to clients through choice, collaboration, and self-determination.

Response to Crisis

From time-to-time clients will present to the service in distress in response to an immediate need or situational event, known as a crisis. Whilst crisis intervention isn't the core remit for BYU; staff, volunteers and students have a duty of care to ensure that clients are supported through identification and provision of appropriate referral pathways that are better suited to meeting the client(s) immediate needs.

Duty of Care and Risk

Whilst BYU works in a manner that is underpinned by the above Practice Principles, we acknowledge that clients are unique and will present with varying circumstances that may be representative of indicators of risk. In this context, duty of care refers to our ethical and professional responsibility to act in the best interest of clients and to ensure that every possible consideration is made to avoid adverse impacts to them.

Some examples that clients may be presenting with indicators of risk include:

- Physical injuries
- Withdrawal or a significant shift in their usual way of being.
- Marked shift in their emotional wellbeing.

Where possible and appropriate, BYU works alongside young people to enhance their internal capacity and promote safety in tandem to identify a more appropriate referral pathway.

BYU has a duty of care towards all clients and practices in a way that encompasses ethical decision making to ensure that interventions are congruent to the level of risk a client is presenting with.

Examples of common ethical considerations related to duty of care in practice with children and young people includes:

- Disclosures or indicators of Domestic and or Family Violence*
- Disclosures of Sexual Assault
- Safety, welfare, and wellbeing (child protection) concerns
- Specific to young people, disclosures around risk taking behavior with likelihood of resulting in adverse impacts to the young person or others around them.

**It is important to note that young people can experience Domestic, family, and sexual violence in a myriad of relational contexts, including within their own intimate relationships and within their family or whomever they regularly reside with.*

ROLES AND RESPONSIBILITIES

Child protection is a shared responsibility between all employees, volunteers, workers, students, contractors, associates, and members of the Big Yellow Umbrella community.

The Board of Big Yellow Umbrella has ultimate responsibility for the detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place.

PROCEDURES

Employment of New Personnel

Big Yellow Umbrella undertakes a comprehensive recruitment and screening process for all workers and volunteers that aims to promote and protect the safety of all people that BYU supports and works with. BYU requires all its workers and volunteers to go through the screening process with proper police clearance checks, working with children, and reference checks before being recruited.

Risk Management

Big Yellow Umbrella understands that there could be a range of potential risks in the delivery of our programs and will ensure that child safety is a part of its overall risk management approach and in compliance with its WH&S Policies and Procedures.

Mandatory reporting

All staff and volunteers of Big Yellow Umbrella have Mandatory Reporting responsibilities. Breaches of Mandatory Reporting obligations can result in penalties as per the Crimes Act 1900.

All staff and volunteers have a responsibility to recognise and respond to safety, welfare or wellbeing concerns for children and young people and inform the Chief Operations Manager and / or the Strategic Finance Executive. It is the responsibility of all staff to report suspected risk of significant harm concerns to the Department of Communities and Justice (DCJ) Child Protection Helpline or the police.

Reporting

Any staff member, student, volunteer, or contractor who has grounds to suspect abusive activity must immediately:

1. Visit the Mandatory Reporter Guide (MRG) which assists/provides guidance to reporters to make the most appropriate decision. The MRG supports all mandatory reporters to:
 - determine whether a report to the DCJ Child Protection Helpline is needed for concerns about possible abuse or neglect of a child.

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- Identify alternative ways to support vulnerable children, young people, and their families.
- 2. When making the decision to report, all BYU personnel including staff, students and volunteers must report directly to the DCJ Child Protection Helpline in one of two ways:
 - Phone 132 111, if the suspected risk of significant harm is imminent or high. DCJ Child Protection Helpline can be contacted 24 hours a day, 7 days a week.
 - Send a child protection report (eReport) if there is suspected risk of significant harm that is not imminent or high by registering directly through the following website: <https://reporter.childstory.nsw.gov.au/s/>
 - Once registered, mandatory reporters:
 - can create eReports after running the MRG
 - will be notified by email when there is a change of status for one of their reports
 - can log into the Child Story Reporter Community website to see the status of any previous reports they have submitted.

BYU is a registered organisation for mandatory reporting. Staff, volunteers, and students are to contact the Leadership Team for relevant log-in details.

Promote and protect duty of care for the best interest of children involved in all programs, regardless of their race, gender, religious beliefs, age, disability, sexual orientation.

Parental and Child Person / Young Person Consent

A child under the age of 12 years old will need to provide parental or guardian consent before enrolling or participating in any BYU programs, workshops, or activities. However, there may be exceptions to this Policy, where a young person may engage with BYU services without parental consent, under the following circumstances:

if a child discloses feeling unsafe, threatened or at risk of harm in relation to requesting parental consent. Should this be the case, BYU staff are to undertake the following steps:

- Assess the client's risk and respond in accordance with this *Policy* in tandem to the ***Responding to Client Risk Policy*** (*risk assessment must be conducted prior to working with the child to ensure they understand what they are agreeing to, and the potential risks and benefits involved.*)
- Consult with a manager or senior member of staff.
- Complete the ***Client 12 or Under Consent Form*** in collaboration with the client.
- Document a rationale for commencing services without parental consent in the client record.

All Big Yellow Umbrella personnel have the responsibility to be aware of current parental consent requirements. BYU expects all staff, volunteers, and students to understand the importance of parental consent when working with children aged 12 years and under and are aware of the requirement to complete the ***Client 12 or Under Consent Form***.

- In those instances where parental consent may not be in the best interest of the child, a risk assessment must be conducted prior to working with the child to ensure they understand what they agree to, and the risks and benefits involved.
- BYU staff, volunteers, and students have the responsibility to appropriately obtain informed consent to ensure that clients know exactly what they are consenting to. This signed ***Client 12 or Under Consent Form*** must be securely uploaded onto BYU's Data Solutions Client Management System under the relevant client record.
- The type of consent and whether consent is necessary or not should be transparent on all BYU promotional material and the website.

Investigating

All BYU personnel must fully cooperate with any investigation processes carried out by the police or child protection services. The Chief Operations Manager must keep any internal investigation confidential unless any other member of BYU is required to make a statement or have any involvement with the investigation. If the suspicion involves the Chief Operations Manager or the Strategic Finance Executive, the Board should be the next point of contact for investigation.

Responding

If it is alleged that a member of staff, student, contractor, or a volunteer may have committed an offence or have breached the organisation's policies or its Code of Conduct the person concerned may be stood down (with pay, where applicable) while an investigation is conducted.

If the investigation concludes that on the balance of probabilities an offense (or a breach of the organisation's policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organisation. The findings of the investigation will also be reported to any external body as required.

Privacy

BYU respects the privacy of its clients. Therefore, any personal information provided by the clients to the BYU will be kept confidential, unless there is any harm to the safety of clients, staff, or anyone involved.

Overview of Communication and use of resources (images, videos) Guidelines

Big Yellow Umbrella recognises the importance of photographic, videography and informational content in program development. Given the nature of many programs i.e., playgroups most of the photographic content will involve children and youth.

Big Yellow Umbrella prioritises the privacy of all its service users and therefore, will need to obtain verbal or written consent from the child's parents or carers before taking photos and/or videos.

However, this procedure does not apply in settings of larger community events. In this instance, staff will need to ensure there are signs placed stating that photos will be taken during the event and families will be responsible for opting out in this instance.

In relation to children aged 12 and under who are participating in a group without parental consent, the [Client 12 or Under Consent Form](#) exclusively captures consent to participate in the group, record keeping and privacy elements only. It is not intended to capture consent to use images or videos. Use of images and videos is only considered whereby BYU has obtained parental consent.

Reviewing

Every two years, and following every reportable incident, a review shall be conducted to assess whether the organisation's child protection policies or procedures require modification to better protect the children under the organisation's care.

RELATED DOCUMENTS
Access and Equity Policy
Child Protection (Working with Children) Act 2012
Children and Young Person (Care & Protection) Act 1998
Clients Record Policy
Code of Conduct Policy
Complaints Management Policy
Confidentiality and Declaration Policy
Crimes Act 1900
Customer Service Policy
Data Security Policy
DCJ NSW Website
Disclosure of Information Policy
Drug and Alcohol Policy
Ethical Decision-Making Tool
Immunisation Policy
Integrated Stepped Care Policy
LGBTIQ+ Policy
Managing Difficult Behaviour Policy
Playgroup Policy
Privacy Policy
Recruitment checks: Police & WWCC
Risk Management Policy
Social and Electronic Media Policy
Staff Induction Policy
Standards of Practice Guidelines Policy
Trauma Informed Care Policy
WH&S Policy and Incident Report

AUTHORISATION

The Board of Big Yellow Umbrella have reviewed and approved this policy

Signature of Board Secretary: _____

Date of approval by the Board: _____

On behalf of the Big Yellow Umbrella