



## Therapeutic Engagement Support Services Association Inc.

### Child Safe Procedures

Procedure Category Procedure Number	Therapeutic Engagement Support Services Association Inc. Board TESSA Inc. BProc 8
Prepared by	V Triggs, Chief Executive Officer
Reviewed by	D Lebek, Child Safe Officer
Date Authorised	18 October 2022
Implementation Responsibility	Chairperson, Directors, CEO, Child Safe Officer, Program Managers, Members, Volunteers
Scheduled review date	October 2024
Version	Final
Related Documents	TESSA Inc. Constitution, 25 November 2021: Part 5 Division 2 Section 44 Part 3 Division 2 Disciplinary action. TESSA Inc. Values (The Code), Actions and Behaviours TESSA Inc. Child Safe Officer Position Description
Related Standard Operating Procedure	TESSA Inc. Child Safe Code of Conduct TESSA Inc. Child Safe Commitment (annual)
Related Forms	Working with Children Check National Police Check
Related Standards	Implementing The Child Safe Standards: Ministerial Order 1359 The United Nations Convention on the Rights of the Child Working with Children Act 2005 (Victoria) Child Wellbeing and Safety Act 2005 (Victoria) Children, Youth and Families Act 2005 (Victoria) Education & Training Reform Regulation 25, 2017; Department of Education & Training: Restraint and Seclusion, June 2022 Disability Standards for Education, 2005 (Commonwealth) Worker Screening Act, 2020 The Family Violence Protection Act 2008 (Victoria) Crimes Act 1958 (Victoria)

### 1. Principles

In complying with the Victorian Child Safe Standards, TESSA Inc. adheres to the following principles to take account of the diversity of all children, including (but not limited to):

- the needs of Aboriginal and Torres Strait Islander children
- children from culturally and linguistically diverse backgrounds
- children with disabilities
- and children who are vulnerable.

## 2. Responsibilities

The **Board** of TESSA Inc. 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. The Board is also responsible for ensuring that appropriate policies and procedures and a Child Safe Code of Conduct are in place. The Board will appoint a TESSA Inc. Child Safe Officer.

The **CEO** of TESSA Inc. is responsible for reporting allegations of reportable conduct by a TESSA Inc worker or volunteer to the Commission for Children and Young People.

The **CEO** in conjunction with the TESSA Inc **Child Safe Officer** are responsible for:

- dealing with and investigating reports of child abuse, involving TESSA Inc. personnel
- ensuring that all staff, contractors, and volunteers are aware of relevant laws, TESSA Inc. Child Safe policies and procedures
- ensuring that all adults within the TESSA Inc. community are aware of their obligation to report suspected abuse of a child in accordance with the Child Safe policy
- ensuring that all staff, contractors and volunteers are aware of their obligation to observe the Child Safe Code of Conduct
- providing support for staff, contractors and volunteers in undertaking their child safe responsibilities.

All **Managers** must ensure that they promote child safety at all times

Managers under the leadership of the TESSA Inc **Child Safe Officer** are responsible for:

- being familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct
- assessing the risk of child abuse within their area of control and eradicate or minimise any risk to the extent possible
- educating contractors and volunteers about the prevention and detection of child abuse
- facilitating the reporting of any inappropriate behaviour or suspected abusive activities
- reporting allegations of reportable conduct by a TESSA Inc worker or volunteer to the Chief Executive Officer
- allegations of criminal conduct must be reported to Victoria Police as the first priority.

All **staff/volunteers/contractors** share in the responsibility for the prevention and detection of child abuse, and must:

- familiarise themselves with the relevant laws, TESSA Inc. policies and procedures, and TESSA Inc. Child Safe Code of Conduct and comply with all requirements

- adhere to the School or Community agency Child Safe Policy, Procedures and Code of Conduct and Emergency Management Plan, applicable to the site in which they are working
- report any reasonable belief that a child’s safety is at risk to the relevant site authority School Principal or the community agency Chief Executive Officer, and the TESSA Inc Child Safe Officer Darek Lebek Mobile 0434426398
- fulfil their obligations of mandatory reporting and undertake annual training at a certification level or approved equivalent
- report any suspicion that a child’s safety may be at risk to their Manager, and the TESSA Inc Child Safe Officer Darek Lebek Mobile 0434426398
- if the Manager is involved in the suspicion, or if they do not believe that the matter is being appropriately addressed then report to the TESSA Inc. Chief Executive Officer
- provide an environment that is supportive of all children’s emotional and physical safety.

### 3. Definitions

**Child** means a person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

**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 sexual assault** is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child’s inhibitions in preparation for sexual activity with the child.

#### **Mandatory Reporting**

Any adult (person 18 years or older) who forms a reasonable belief that a sexual offence has been committed by an adult against a child (under 16 years) has an obligation to report that information to Victoria Police, as soon as possible.

**Reasonable grounds for belief** is 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 taken into account 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.

A ‘reasonable belief’ is formed if a reasonable person believes that:

- (a) The child is in need of protection
- (b) The child has suffered or is likely to suffer “significant harm as a result of physical injury”
- (c) The parents are unable or unwilling to protect the child.

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation.

A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed if:

- a) A child states that they have been physically or sexually abused;
- b) A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- c) Someone who knows a child states that the child has been physically or sexually abused;
- d) Professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or
- e) Signs of abuse lead to a belief that the child has been physically or sexually abused.

### **Reportable Conduct**

Reportable conduct will include the following acts committed by a TESSA Inc worker whether or not they are alleged to have occurred during the course of the person's employment:

- sexual offence committed against, with or in the presence of a child, whether or not criminal proceedings have been commenced or concluded
- sexual misconduct
- physical violence
- significant neglect of a child
- any behaviour that is likely to cause significant emotional or psychological harm to a child.

## **4. Investigation**

If the appropriate child protection service or the police decide to conduct an investigation of this report, all employees, contractors or volunteers must co-operate fully with the investigation.

Whether or not the authorities decide to conduct an investigation, the CEO will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any proceeding of the authorities, the CEO may decide to conduct such an investigation. All employees, contractors and volunteers must co-operate fully with the investigation.

Any such investigation will be conducted according to the rules of natural justice.

The CEO will make every effort to keep any such investigation confidential; however, from time to time other members of staff may need to be consulted in conjunction with the investigation.

After an initial review and a determination that the suspected abuse warrants additional investigation, the CEO shall coordinate the investigation with the appropriate investigators and / or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

## **5. Responding**

If it is alleged that a TESSA Inc member (Director, staff, contractor or a volunteer) may have committed an offence or have breached TESSA Inc. Child Safe Policy, Procedures or 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 offence (or a breach of the TESSA Inc. Child Safe Policy, Procedures or Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with TESSA Inc. The findings of the investigation will also be reported to any external body as required.

## **6. Privacy**

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety.

Everyone is entitled to know how the personal information is recorded, what will be done with it, and who will be able to access it.

## **7. Employment of New Personnel**

TESSA Inc. undertakes a comprehensive recruitment and screening process for all workers and volunteers which aims to:

- promote and protect the safety of all children under the care of the organisation
- identify the safest and most suitable people who share TESSA Inc. values (the Code) and commitment to protect children
- prevent a person from working at TESSA Inc. if they pose a risk to children.

TESSA Inc. requires applicants to provide a Working with Children Check and a National Police Check in accordance with the law and as appropriate, before they commence working at TESSA Inc. and during their time with TESSA Inc. at regular intervals.

Once engaged, workers/volunteers must review and acknowledge their understanding of the Policy and Procedures.

## **8. Review**

Every two years, and following any reportable incident, a review shall be conducted to assess whether TESSA Inc. Child Safe Policy, Procedures and Code of Conduct require modification to better protect the children under TESSA Inc. care.

## **Authorisation**

The Child Safe Procedures were approved by the Therapeutic Engagement Support Services Association Incorporated Board of Directors on 18 April 2018; 5 August 2020.

The revised Child Safe Procedures were approved by the Therapeutic Engagement Support Services Association Incorporated Board of Directors on 18 October 2022.

Natalie Deacon  
Chairperson

Jane Weston  
Company Secretary

