**Canberra Health Services**

**Policy**

**Child Protection**

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| Policy Statement |

Canberra Health Services (CHS) is committed to keeping children and young people safe - protecting and promoting their rights, safety, health, and wellbeing. To achieve this, CHS is implementing the Child Safe Standards as identified in the *Royal Commission into the Institutional Responses to Child Sexual Abuse.*

The Child Safe Standards are:

1. Child safety is embedded in institutional leadership, governance, and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child sexual abuse are child focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the institution is child safe.

As part of the commitment to keep children and young people safe, CHS staff work in collaboration with Child and Youth Protection Services (CYPS) - the ACT Government’s delegated Child Protection authority. CHS staff:

* submit Child Concern Reports to CYPS where there is a reasonable belief or suspicion that a child or young person is experiencing, has experienced, or is at significant risk of experiencing – neglect, physical abuse, sexual abuse, emotional or psychological abuse and/or family violence; including where there are prenatal concerns, in line with the *Child Concern Reporting Guideline.*
* share information about the safety and wellbeing of children and young people in line with *Section 862* of the *Children and Young People Act 2008.*
* support CYPS to work within CHS where required as outlined in the *CYPS working within CHS Guideline.*

**Enhancing protective factors that strengthen families**

Families are the most powerful influence on a child’s life and development. As part of the commitment to keeping children and young people safe, CHS is committed to supporting families to provide safe, nurturing, healthy environments for children and young people. CHS seeks to prevent or reduce key risk factors and enhance the protective enablers that support children and young people to thrive within their families.

Social determinants of health such as unemployment, food insecurity, homelessness, financial hardship, and racism, place greater stress on families and increase the likelihood of adverse childhood experiences occurring. Other underlying factors that may impact the ability to parent well include a history of childhood trauma, mental health challenges, illness, disability, or drug and alcohol dependence. In collaboration with community services, CHS can provide care to address the underlying health factors, providing significant benefits to children and young people.

**Aboriginal and Torres Strait Islander families**

CHS acknowledges the harms of past policies of forced removal and cultural assimilation, as well as the inequalities that have led to an over-representation of Aboriginal and Torres Strait Islander people in the child protection system. CHS has committed to work in partnership with the Aboriginal and Torres Strait Islander community to provide culturally safe and responsive services to meet the needs of Aboriginal and Torres Strait Islander children, young people and their families as outlined in the CHS Statement of Commitment.

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| Alerts |

Allegations relating to CHS staff involvement in the ill treatment, neglect, psychological harm, misconduct of a sexual nature, or where the staff member has committed criminal offences involving a child must be reported, as per the *Reportable Conduct Scheme Procedure* and/or *Sexual Misconduct (alleged) towards Consumers under the care of Canberra Health Services Procedure*.

In addition to the requirements under the *CHS* *Guideline - Identifying and Responding to Harm, Abuse and Neglect of Children*, Mandated Reporters are legally required to make a Child Concern Report to CYPS if they have a reasonable belief that a child has experienced, or is experiencing, or is at significant risk of experiencing sexual abuse or physical abuse, and they form this belief through the course of their employment, whether paid or unpaid. It is an offence for a Mandated Reporter not to report abuse with a penalty of 50 penalty units, or up to 6 months imprisonment. See [*Children and Young People Act 2008 | HTML view*](https://www.legislation.act.gov.au/View/a/2008-19/current/html/2008-19.html)via the ACT Legislation Register.

Any adult who reasonably believes that a sexual offence has been committed against a child or young person is legally required to report this offence to ACT Policing. If a person has a reasonable belief and does not report this to ACT Policing, they can be charged under the *Failure to Report* offence. Further information including what is considered a sexual offence in the ACT, and the few exceptions to this requirement, is available within the ‘[All Adults Must Report Child Sexual Abuse’ factsheet](https://www.act.gov.au/__data/assets/pdf_file/0007/1397662/Failure-to-Report-Offence-Royal-Commission-Criminal-Justice-Legislation-Amendment-Act-2019.pdf). *Crimes Act 1900.* Mandated Reporters who report to CYPS do not also need to report to ACT Policing, as ACT Policing will receive this information from CYPS where necessary.

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| Purpose |

This policy protects and promotes the rights, safety, health and wellbeing of children and young people through:

* providing direction for the development, delivery, and evaluation of services to ensure the full implementation of the Child Safe Standards
* supporting services to address the underlying factors that contribute to children and young people requiring involvement with CYPS
* providing direction on Child Concern Reporting, information sharing and collaboration with CYPS
* ensuring CHS staff are trained in Child Protection Reporting requirements
* ensuring supports are available for CHS staff affected by vicarious trauma.

This policy should be read in conjunction with the following documents located on the CHS Policy and Guidance Documents Register:

* *Identifying and Responding to Harm, Abuse and Neglect of Children Guideline*
* *CHS ACT Reportable Conduct Scheme Procedure*
* *Sexual Misconduct (alleged) towards Consumers under the care of Canberra Health Services Procedure*
* *Child and Youth Protection Services working with Canberra Health Services Guidelines*
* *Psychological Support for Staff – A Manager’s Guide*
* *Family Violence Policy*
* *Identifying and Responding to Family Violence Procedure*
* *Statement of Commitment*.

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| Scope |

This policy applies to all CHS staff; any person performing work for CHS, on a permanent, temporary, or casual basis, including volunteers, contractors, visiting medical officers, students, consultants, and researchers performing work within CHS facilities.

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| Roles & Responsibilities |

**All CHS staff** are responsible for:

* acting with the best interests of the child or young person as paramount
* supporting children and young people to have a voice in decisions affecting them, ensuring that their opinions are taken seriously
* protecting and promoting the rights, safety, health and wellbeing of all children and young people; aiming to prevent, address and reduce the impact of, neglect, physical abuse, sexual abuse, emotional abuse, psychological abuse and/or family violence
* working in partnership with families; informing and involving a child or young person’s family where this is in the best interest of the child or young person (noting legal responsibility to inform parents where they have or share parental responsibility)
* ensuring families are supported through warm referrals and individual advocacy
* promoting a culturally safe environment for Aboriginal and Torres Strait Islander families as outlined in the *Statement of Commitment* and the *Aboriginal and Torres Strait Islander Impact Statement and Declaration Procedure* through:
* culturally sensitive practice
* upholding equity and considerations for diverse needs
* engaging the support of Aboriginal Liaison Officers (ALOs).
* where there are concerns of abuse or neglect, submitting Child Concern Reports to CYPS in line with the *CHS Guideline Identifying and Responding to Harm, Abuse and Neglect of Children*
* reporting allegations of abuse and/or misconduct towards children and young people by CHS staff through the *Reportable Conduct Scheme*
* where CYPS is required to provide child protection services within CHS, working in line with the *Child and Youth Protection Service working within Canberra Health Services Guidelines*
* working in collaboration with CYPS; including sharing health, safety and wellbeing information under Section 862 of the *Child and Young People Act 2008* in a timely manner
* completing role specific essential learning as allocated including:
* CHS Child Protection Foundation e-learning and face to face workshop
* Working with Aboriginal and Torres Strait Islander Patients and Families
* Relevant Strengthening Health Responses to Family Violence training including e-learning and face to face training.

**Directors/Supervisors/Managers** are responsible for embedding child safety in leadership,

governance, and culture through:

* supporting staff to understand their legislative and policy obligations around Child Concern Reporting
* acknowledging the impacts of vicarious trauma and supporting staff access to wellbeing services, refer to *Psychological Support for Staff – A Manager’s Guide*
* adhering to the ACT Ombudsman’s [Reportable Conduct Scheme](https://www.ombudsman.act.gov.au/archive/reportable-conduct-scheme) as per the *CHS ACT* *Reportable Conduct Scheme Procedure*
* ensuring that staff who are called to give evidence in court proceedings have access to support from CHS Insurance and Legal Liaison Unit
* screening staff, volunteers, and students before they commence employment or placement with CHS. This may include checking referees, checking Registration with the Australian Health Practitioner Regulation Agency and checking that staff have a Working with Vulnerable People Registration, and have completed a National Police Check prior to employment. Refer to *Recruitment Policy and Procedure.*
* minimising opportunities for abuse to occur through:
* identifying and mitigating against risks in CHS online and physical environment, without compromising the child or young person’s right to privacy and a healthy development
* ensuring that the CHS online environment is used in accordance with the *CHS Information Privacy Policy, CHS Information and Communication Technology Resources: Acceptable Use Procedure* and the *ACT Public Service Code of Conduct*
* ensuring child safe considerations are reflected in relevant policies, procedures and guidelines
* incorporating the relationship principles within the ACT Aboriginal and Torres Strait Islander Agreement 2019 -2028 in service models of care as outlined in the *Aboriginal and Torres Strait Islander Impact Statement and Declaration Procedure*.

**People and Culture** will embed child safety in leadership, governance, and culture through:

* ensuring processes to respond to complaints of abuse or neglect are child and young people focused
* ensuring that people working with children and young people are vetted and supported
* ensuring that staff are equipped with the knowledge, skills, and awareness to keep children safe through access to continual education and training.

**Chief Executive Officer (CEO), Deputy Chief Executive Officer (DCEO), Chief Operating Officer (COO) and Executive Directors** will embed child safety in leadership, governance, and culture through:

* actively promoting a child safe heath service through the implementation of the Child Safe Standards as identified by the Royal Commission into Institutional Responses to Child Sexual Abuse including:
* embedding child safety in leadership, governance, and culture
* addressing inequalities through health service provision and staff training
* ensuring CHS staff are equipped with knowledge, skills, and awareness to identify, respond to, and reduce the impact of, child abuse and neglect through access to education and training
* ensuring CHS is a child safe institution through inclusion of the Child Safe Standards within Models of Care, policies, procedures and guidelines
* regular review of the implementation of the Child Safe Standards, including supporting continual Quality Improvement to meet the standards
* ensuring CHS provide culturally safe and responsive services to meet the needs of Aboriginal and Torres Strait Islander children, young people and their families, in line with the [National Agreement on Closing the Gap](https://www.closingthegap.gov.au/national-agreement/priority-reforms) and the *CHS Statement of Commitment*.

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| Evaluation |

**Outcome**

* Children and young people are safe and protected within CHS, with additional supports provided for Aboriginal and Torres Strait Islander children and their families as required.
* CHS staff understand and act on their legislative and organisational responsibilities regarding child safety.
* CHS staff wellbeing is supported to reduce the impact of vicarious trauma.

**Measures**

* Annual audit by managers of compliance with Essential Education including Child Protection Training, Strengthening Health Responses to Family Violence training and Working with Aboriginal and Torres Strait Islander Patients and Families.
* Annual evaluation of complaints relating to child protection from Aboriginal people and their families.
* Annual review of staff incident reporting via Riskman related to vicarious trauma.

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| Related Policies, Procedures, Guidelines and Legislation |

**Policies**

* Clinical Records Management
* Family Violence
* Information Privacy
* Informed Consent (Clinical)
* Recruitment
* Working with Vulnerable People Background Checking
* Nationally Coordinated Criminal History Check

**Procedures**

* Aboriginal and Torres Strait Islander Impact Statement and Declaration
* CHS ACT Reportable Conduct Scheme
* CHS Psychological Support for Staff - A Manager's Guide
* Education and Training – Governance Processes and Staff Requirements
* Identifying and Responding to Family Violence
* Information and Communication Technology Resources Acceptable Use
* Recruitment Procedure
* Responding to notifications of sexually transmissible infections in children and young people
* Sexual Misconduct (alleged) towards Consumers at Canberra Health Services
* Clinical Records Management

**Guidelines**

* Child Concern Reporting Guidelines
* Child and Youth Protection Services working with Canberra Health Services Guidelines

**Legislation**

* *ACT Reportable Conduct Scheme*
* *Children and Young People Act 2008*
* *Crimes Act 1900*
* *Family Violence Act 2016*
* *Health Practitioner Regulation National Law (ACT) Act (2010)*
* *Ombudsman Act 1989*
* *Public Sector Management Act 1994*
* *Working with Vulnerable People (Background Checking) Act 2011*
* *Carers Recognition Act 2021*
* *Human Rights Act 2004*
* *Health Records (Privacy and Access) Act 1997*

**Other**

* CHS Statement of Commitment
* The Royal Commission into Institutional Responses to Child Sexual Abuse
* United Nations Convention on the Rights of the Child
* Australian Charter of Healthcare Rights
* The ACT Charter of Rights for People Who Experience Mental Health Issues.

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| Definition of Terms |

* **Child:** a person who is under 12 years old.
* **Child Concern Report**: a voluntary or mandatory report made to CYPS by CHS staff
* **Child and Youth Protection Services (CYPS):** The statutory Child Protection agency which services the ACT region. CYPS has legislative responsibility under the *Children and Young People Act 2008* for facilitating and coordinating services across government for the care and protection of children and young people believed to be at risk of harm.
* **Staff:** For the purposes of this policy, the term ‘staff’ refers to any person performing work for CHS, on a permanent, temporary or casual basis. It includes volunteers, contractors, visiting medical officers, students, consultants, and researchers performing work within CHS facilities.
* **Young person**: A person who is aged 12 years or older but is not yet an adult (adult means an individual who is at least 18 years old).

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| References |

[Keeping Children and Young People Safe - Community Services (act.gov.au)](https://www.communityservices.act.gov.au/ocyfs/keeping-children-and-young-people-safe)

Community Services Directorate, ACT Government

20 June 2022

[Final Report - Recommendations (childabuseroyalcommission.gov.au)](https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_recommendations.pdf)

Commonwealth of Australia

Inquiry 2013-2017

[New laws to improve reporting of child abuse](https://www.act.gov.au/childabuseroyalcommission/formalresponse/new-laws-to-improve-reporting-of-child-abuse)

ACT Government response to the Royal Commission into Institutional Responses to Child Sexual Abuse, ACT Government

1 September 2019

[Child protection and Aboriginal and Torres Strait Islander children | Australian Institute of Family Studies (aifs.gov.au)](https://aifs.gov.au/resources/policy-and-practice-papers/child-protection-and-aboriginal-and-torres-strait-islander)

Australian Institute of Family Studies, Australian Government

2022

[Bringing Them Home | Australian Human Rights Commission](https://bth.humanrights.gov.au/)

The Human Rights and Equal Opportunity Community

1997

[Convention on the Rights of the Child](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child)

Australian Human Rights Commission

September 1990

[ACT Aboriginal and Torres Strait Islander Agreement 2019-2028](https://www.communityservices.act.gov.au/atsia/agreement-2019-2028)

ACT Community Services Directorate

2022

[National Agreement on Closing the Gap | Closing the Gap](https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap)

The Coalition of Aboriginal and Torres Strait Islander Peak Organisations, Commonwealth Government, State and Territory Government and the Australian Local Government Association

July 2020

[National Action Plan for the Health of Children and Young People 2020–2030 | Australian Government Department of Health and Aged Care](https://www.health.gov.au/resources/publications/national-action-plan-for-the-health-of-children-and-young-people-2020-2030)

Australian Government

Department of Health and Aged Care

April 2019

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| Search Terms |

Child, protection, consent, abuse, children, neglect, welfare, safe, voluntary reporting, compulsory training, working with vulnerable people, protection services, maltreatment, violence, mandatory reporting, domestic and family violence.

**Disclaimer**: *This document has been developed by CHS specifically for its own use. Use of this document and any reliance on the information contained therein by any third party is at his or her own risk and Canberra Health Services assumes no responsibility whatsoever.*

*Policy Team ONLY to complete the following:*

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| *Date Amended* | *Section Amended* | *Divisional Approval* | *Final Approval* |
| *06/09/2023* | *Complete Review* | *Suzanne Pilkington, ED of WY&C* | *CHS Policy Committee* |

*This document supersedes the following:*

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| *Document Number* | *Document Name* |
| *CHS19/050* | *Child Protection Policy* |