

## **Handling of Child Safety Incidents and Concerns Procedure**

Latrobe Valley Eisteddfod

### **Context:**

This procedure explains how we will deal with any concerns or complaints regarding child safety, and how any allegation or incident of child harm, or unsafety, will be dealt with.

It seeks to address (in part), Child Safe Standard 7.

### **Important Contacts**

Commission for Children and Young People: T: 03 8601 5281

Police: Emergency 000; Non-emergency 131444

President of LVE: email: [president@lve.org.au](mailto:president@lve.org.au)

### **Definitions:**

*Many of these are taken from the "Guide to creating a child safe organisation"*

**Child:** a person who is under the age of 18 years. Throughout this document any reference to either 'child' or 'children' is a reference to a person or persons under the age of 18

**Child Abuse** - is defined in the *Child Wellbeing and Safety Act 2005 (Vic)* to include:

- a sexual offence committed against a child
- grooming for sexual conduct with a child under the age of 16 under section 49M(1) of the Crimes Act 1958 (Vic)
- physical violence against a child
- causing serious emotional or psychological harm to a child
- serious neglect of a child

**Child Harm** means damage to the health, safety or wellbeing of a child, including as a result of child abuse by adults or the conduct of other children. It includes physical, sexual, emotional and psychological harm. Harm can arise from a single act or event. It can also be cumulative, that is, arising as a result of a series of acts or events over a period of time.

**Grooming** - Grooming behaviour can involve the use of a variety of manipulative and controlling techniques used to build trust or normalise sexually harmful behaviour. Grooming can include communicating or attempting to befriend or purposely establishing a relationship or other emotional connection with a child, their family or organisations the child is engaged with.

**Emotional and psychological harm** can arise as a result of experiencing a sexual offence, sexual misconduct, physical violence or neglect. Emotional and psychological harm may also arise in circumstances that involve persistent verbal abuse, coercive or manipulative behaviour, hostility towards a child, humiliation, belittling or scapegoating, conveying to a child that they are worthless, unloved, inadequate or rejected, or causing a child to frequently feel frightened or in danger.

**Neglect** is a failure to meet the basic needs of a child (such as their wellbeing and safety). In organisations, *supervisory neglect* is the failure to appropriately exercise adequate supervision or control of a child that is in the care of the organisation (such as when a child may be in the backstage areas). For neglect to be *serious*, it must involve a failure to meet the basic needs of a child that is more than significant, being either substantial and protracted, or that endangers life.

#### Key Roles:

**Child Safety Officer** - is the person appointed by the Committee to be responsible for the organisation's management of any allegations of abuse of children or other child safety concerns.

**Executive Committee** - means the elected members of the Committee of Management of the Incorporated Association ("The Latrobe Valley Eisteddfod Traralgon Inc.") who are legally responsible for the organisation.

#### Procedures:

##### **A. Reporting an incident or raising a concern about child safety or harm**

1. Anyone who has a safety concern, or who experiences or witnesses an incident of child harm (such as abuse) or unsafe environment or behaviour, should report this to the relevant person immediately.

For example, a complaint/report may be made by:

- A victim of abuse, or a spokesperson for a victim of abuse
- Volunteers (present or past) or other people associated with the running of the Eisteddfod who become aware of actual or possible child abuse or a contravention of our Child Safety Code of Conduct in any of the following ways:
  - They could witness
  - Receive a disclosure
  - Form a suspicion
  - Form a reasonable belief

The 'relevant person' to whom the report should be made is the person highest in the following list that is present/reachable:

- To the Child Safety Officer, if the CSO is present at the venue (and the CSO is not the subject of the complaint), or via email to the address of the CSO on our website.
- Otherwise, to the Convenor in charge of the session at the venue.
- Otherwise, to any member of the Executive Committee who is present.
- Otherwise, to any on-duty volunteer who is present.

2. A complaint may take the form of:

- An allegation. This could be for a current or historical allegation.
- A complaint which may be
  - Formal or informal
  - For a current or historical situation

Complaints can be made in the following ways:

- i. In person
- ii. In an email to the Child Safety Officer, or
- iii. In writing to our PO Box or

3. If the person reporting the incident is a child, the recipient may need to be mindful of the following suggested advice<sup>[1]</sup>:

- Let the child talk about their concerns in their own time and in their own words.

- Give them full attention, time and a quiet space in which to do this.
- Maintain a calm appearance and do not be afraid of saying the 'wrong' thing.
- Be supportive, reassuring and comforting if they are upset.
- Tell them it is not their fault and that they were right to tell you.
- Ask open-ended questions and not leading questions.
- Do not make promises you cannot keep.
- Let them know you will act on this information, that you may need to let other people know, and explain why that is the case.
- Write down what the child told you as soon as you can, using their words as best as you can remember. Take note of their behaviour and appearance at the time.
- Take notes of physical evidence, for example, bruising if the child shows you.
- Help the child and their family to get appropriate support, such as counselling.
- Thank or commend the child for helping make our organisation safer

4. If a volunteer is the recipient of the report/concern, they should seek the most senior person present (from the list given in the previous step), to notify them immediately.

5. If someone other than the Child Safety Officer (CSO) is the recipient of the report, the person receiving the report should seek to inform the CSO as soon as possible (unless the CSO is the subject of the complaint).

4. If the conduct reported is abuse or harassment of a child, the person(s) who have received the report, must immediately report this to the Police for investigation. Interrogations related to allegations of abuse or harassment must be left entirely to law enforcement agencies, except that the person receiving the report can ask clarifying questions that aid in understanding the concern/report, if the concern/report is not reported clearly enough.

Physical or sexual abuse, including grooming, of children is a crime and should be reported to the police.

Family violence, whether or not a child has been physically or sexually abused, is serious, affects children in the family and often involves criminal behaviour. If a concern relates to family violence it should be reported to the police.

If anyone is in imminent or immediate danger, call 000 immediately.<sup>[2]</sup>

## **B. Responding - Take immediate action to protect the young person**

If the report is about an incident or situation which is currently occurring or has just occurred at the venue, the person who receives the report must take immediate action to ensure the safety and well-being of the young person.

- a. Ensure the child is moved to a safe situation, preferably by placing them with their parent/guardian (unless the parent/guardian is the alleged cause of the situation). Offer support to the child and the parents/carers of the child.
- b. If the cause of the situation is a volunteer/staff, then the person alleged to have caused the situation is to be removed from their duty and replaced by someone else, and action should be taken to ensure the volunteer/staff is prevented from contacting/interacting with the young person.
- c. If the cause of the situation is another young person, that other young person must be immediately taken to their parents/guardians and the details of the person/parents be collected if possible, to be given to the Police. The family must be supervised by members of the committee (to ensure their safety) until the Police arrive, preferably in a separate part of the building.
- d. If the cause of the situation is some other person, their details are to be collected and given to the Police. The person must be supervised by members of the committee, preferably in a separate part of the building, until the Police arrive.
- e. At no time should any of the volunteers of LVE place themselves into danger – at all times there should be at least another volunteer or Committee Member present.

## **C. Responding to a complaint or concern about a volunteer or staff**

Anyone may lodge a complaint or concern regarding any of the volunteers or staff of the LVE, for example a concern that the Code of Conduct is not being followed, or that one of our policies or procedures has been breached by a volunteer or staff.

When a complaint or concern has been lodged regarding the behaviour of a particular volunteer/staff, the following steps will be followed (after any immediate action (Part B) may need to be taken).

### *Understanding the complaint*

1. Upon receiving a complaint or concern about a volunteer or staff member, we will acknowledge receipt of the complaint/concern as soon as it comes to our attention.
2. If the alleged action is child abuse (sexual or otherwise) or other criminal activity, it will be referred to the LVE Child Safety Officer who must immediately report it to police.

3. If the alleged action is a breach of our Code of Conduct or another policy, or a general complaint about the volunteer or staff member, it will be referred to the whole Executive Committee of LVE.
4. If further information is required to fully understand the complaint or concern, we will ask for this information to be provided.

#### *Obtaining the view of the accused*

5. In order to afford procedural justice to the person who is the subject of the complaint relating to items 3 or 4 above, ('accused'), the LVE Executive Committee will ask the accused person to provide their response to the allegation/complaint. In doing so, the Committee may need to provide the accused person with the information that was given as part of the complaint/concern, although where possible the privacy of the complainant will be respected but there may be occasion where due to the matter being raised, it would not be possible to speak to the accused without information being disclosed in which case the Committee will first seek from the person raising the complaint/concern, permission to disclose the complaint.
6. The accused person will be told the relevant details of the complaint, and afforded an appropriate amount of time to consider the complaint before responding. The accused person will be invited to respond to the Committee, either verbally or in writing, to the complaint and any adverse information that is credible, relevant and significant to the matter. The accused person will be able to ask for an appropriate support person to be present while they respond to any investigation, and can request an investigator who they feel is impartial.

#### *Deciding an outcome*

7. The LVE Executive Committee will consider both the complaint, and the response of the accused, to decide a resolution of the matter. Possible resolutions are: no action is necessary (perhaps because the complaint is not found to be upheld), a suspension from engagement/duties, specific additional training or education, or dismissal or departure from engagement with the organisation.

If at any time the person who reported the complaint/concern does not believe the matter has/is being appropriately addressed, they should contact the Committee who will be able to explain the status of dealing with the complaint.

#### **D. Responding to a complaint or concern about the environment or our practices**

When a complaint or concern has been lodged regarding the environment of the venue or the practices of LVE, the following steps will be followed:

1. Upon receiving a complaint or concern, we will acknowledge receipt as soon as possible.
2. If further information is required to fully understand the complaint or concern, we will ask for this information to be provided.
3. The matter about which the complaint relates will be assessed for urgency. If it requires immediate action to resolve (e.g. children's safety is at risk), we will try to resolve it as quickly as possible. If it is considered not urgent, we will tell you when we expect to be able to address the matter.
4. After we have properly considered the matter and possibly made changes to our practices or the environment, we will provide you with an explanation on how we have addressed the matter that was raised.

If at any time the person who reported the complaint/concern does not believe the matter has/is being appropriately addressed, they should contact the LVE Committee who will be able to explain the status of dealing with the complaint, or can contact another member of the Committee.

#### **E. Informing originator on the outcome**

After the investigation and response, we will inform the originator of the complaint or concern, of what has been done:

1. The complainer will be informed of what was done to respond to the complaint including any investigation; the decision or finding, including the main evidence that was obtained or unable to be obtained, and reasons why this decision was made; action taken, or that will be taken, to address the complaint, including by whom and when.

#### **F. Record-keeping**

1. LVE will keep a permanent record of every received complaint or concern, including notes of meetings or conversations held with all parties, any written witness statements, or submissions from any party to the complaint or concern, which will only be accessible to members of the Executive Committee by being stored in a secured digital storage.

2. LVE will keep a permanent, secure record of any external report or referral made on the matter (e.g. to Police)
  3. LVE will keep a permanent, secure record of the decisions made and the reasons behind the decisions.
  4. LVE will keep a permanent, secure record of any support provided to any parties, and any other action taken in response to a complaint or concern.
  5. If there are any proceedings or decisions on the matter by bodies, tribunals or courts, copies of these will be permanently kept on record by LVE.
  6. LVE will keep a permanent record of the sign-in and sign-out register for volunteers.
  7. LVE will keep a permanent record of the basis of deciding to accept a volunteer, staff member, or contractor to be engaged by LVE.
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Approved by LVE Committee 26/5/2025

Notes:

[1] This is suggested in the CCYP's Guide (2022)

[2] The text in this box is taken directly from page 123 of the "Guide to creating a child safe organisation" (fifth edition, 2022)