

TarraWarra Museum of Art Ltd  
ABN 36 093 516 495

Postal Address PO Box 310  
Healesville Victoria 3777 Australia

T +613 5957 3100  
F +613 5957 3120  
E [museum@twma.com.au](mailto:museum@twma.com.au)  
W [www.twma.com.au](http://www.twma.com.au)



## CHILD SAFE ENVIRONMENT POLICY

### 1 Purpose

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This Policy has been developed to ensure that TarraWarra Museum of Art (**TWMA**) creates and maintains a child safe environment. In this context, a child safe environment is one which protects children from abuse and harm, while fostering an environment where children feel welcome and respected.

Organisations that provide services or facilities for children must have appropriate and consistent measures in place to prevent and respond to allegations of child abuse.

This Policy aims to:

- (a) promote the safety of children;
- (b) prevent child abuse; and
- (c) ensure effective processes are in place to respond to and report allegations of child abuse.

On 15 November 2016, legislation was passed to amend the *Child Wellbeing and Safety Act 2005* in Victoria. This legislation change gives the Commission for Children and Young People (CCYP) powers to oversee and enforce organisational compliance with the compulsory minimum Child Safe Standards. The initial Child Safe Standards have since been updated following the Royal Commission into Institutional Responses to Child Sexual Abuse, and the new 11 Standards apply from 1 July 2022. The Child Safe Standards are enshrined in law and are designed to protect children from all forms of abuse.

This Policy includes the minimum 11 Child Safe Standards for a category 2 organisation as required by the *Child Wellbeing and Safety Act 2005* (Vic).

This Policy will be available to access on the TWMA website and at the TWMA offices.

### 2 Statement of Commitment

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TWMA is committed to the safety, participation and empowerment of all children and has a zero tolerance approach toward child abuse.

We respect and support all children and we are committed to the cultural safety of Aboriginal children, children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability.

### 3 Who must comply with this Policy?

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All staff employed by TWMA must sign a document declaring that they have read and understood the Policy, and must comply with this Policy, including:

- (a) full time, part time and casual staff members;
- (b) contractors; and
- (c) unpaid and voluntary staff,

The Policy must be complied with during all activities conducted by TWMA which involve, result in or relate to contact with children.

In the event that TWMA contracts facilities and services from third parties, TWMA will endeavour to ensure it has procurement policies in place that protects the safety of children and young people.

### 4 Responsibilities

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#### 4.1 Obligations of the Museum Director

The Museum Director is accountable to the Board and is responsible for ensuring that:

- (a) the Policy is implemented, monitored, and reviewed;
- (b) job advertisements clearly state the requirement for a National Criminal History Records Check;
- (c) potential staff and volunteers are screened to identify and avoid recruiting people who are not suitable to work with or around children;
- (d) all staff and volunteers have a current Working with Children Check and have signed the Code of Conduct referred to in Part 0;
- (e) acceptable behaviour is promoted when dealing with children/young people;
- (f) any reasonable suspicion of abuse or neglect is reported immediately;
- (g) staff and all parties involved are supported if such a case is reported;
- (h) appropriate records of child safety concerns are kept;
- (i) if a report is made against a staff member, appropriate measures are taken, including that the Museum Director and Board may decide to make a temporary change to employment/volunteering arrangements; and
- (j) confidentiality is maintained throughout the entire process, in accordance with legislation.

#### 4.2 Obligations of all staff and volunteers

All TWMA staff and volunteers are required to understand their obligation to refer a child protection matter to:

- (a) **(in emergencies)** the Victorian Police or the After Hours Child Protection Emergency Service; or
- (b) **(in non-emergencies)** make a report to the Child Protection services,

as soon as practicable if they have a reasonable belief that a child/young person has been, or is being, abused or neglected.

Factors contributing to reasonable belief may be:

- (a) a child states they or someone they know has been abused (noting that sometimes the child may be referring to themselves);

- (b) observing behaviour consistent with that of an abuse victim;
- (c) someone else has raised a suspicion of abuse but is unwilling to report it;
- (d) observing suspicious behaviour;
- (e) observing signs of physical abuse, non-accidental or unexplained injury (mandated notifiers must report);
- (f) observing signs of sexual abuse (mandated notifiers must report);
- (g) observing signs of emotional abuse or ill treatment;
- (h) observing signs of persistent neglect, poor care or lack of appropriate supervision;
- (i) observing signs of persistent family violence, parental substance misuse or psychiatric illness, or intellectual disability;
- (j) a child's actions or behaviour which places them at risk; or
- (k) where a child appears to have been abandoned.

If an incident is brought to a staff member's attention, they should take confidential notes on what they have observed and report the incident to the appropriate authority. The confidential notes should include the following:

- (l) details of all people involved including the child/young person and the staff member's details;
- (m) the reason for believing that the injury or behaviour is the result of abuse or neglect;
- (n) an assessment of the immediate danger to the child/young person;
- (o) description of the incident;
- (p) information about the family of the child/young person; or
- (q) any specific cultural details or other details, which will help care for the child/young person.

## **5 Procedures**

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### **5.1 Working With Children Check**

All staff and volunteers are required to have a Working with Children Check and provide a copy of their current Working with Children Check to TWMA. TWMA keeps an electronic copy of all Working with Children Checks.

Applications are done online and finalised at an Australia Post outlet. Working with Children Checks take around 5-12 weeks to process, and are free for volunteers. The Working with Children Check will be valid for 5 years from the date of issue, unless suspended or revoked.

### **5.2 Code of Conduct**

All staff, volunteers and Board members of TWMA are required to sign a *Code of Conduct* that stipulates their commitment to observing child safe principles and expectations for appropriate behaviour towards and in the company of children.

### **5.3 Commitment to diversity and inclusion**

TWMA aims to establish a safe environment which respects and values equity and diversity by:

- (a) providing staff with adequate training to understand and to respond to diverse circumstances, in particular in relation to First Nations' cultural safety; disability and LGBTIA+ awareness;
- (b) engaging in community outreach through the Schools Access Program; and
- (c) creating and implementing a Reconciliation Action Plan.

#### **5.4 Empowering and listening to children**

TWMA values the feedback of all children. TWMA welcomes, supports and enables the participation of children by:

- (a) informing children of their rights where suitable;
- (b) recognising the importance of friendship and peer support;
- (c) encouraging children to express their views and ideas;
- (d) listening to the feedback of children;
- (e) encouraging children to raise concerns or complaints; and
- (f) valuing diversity and not tolerating or condoning any discrimination.

#### **5.5 Including family and communities**

TWMA is committed to involving families and communities in the promotion of child safety and wellbeing by:

- (a) ensuring families participate in decisions affecting their child;
- (b) ensuring the Policy is easily accessible at TWMA and on the TWMA website;
- (c) consulting families and communities when reviewing the Policy; and
- (d) ensuring families, carers and the community are informed about the organisation's operations and governance.

#### **5.6 Complaints process**

If a child reports concerns about safety, staff and volunteers must ensure they are treated with sensitivity and in a culturally safe manner. The child or their families/carers should be directed toward services that can provide them with the appropriate support to manage a difficult or traumatic experience.

#### **5.7 Risk reduction and management**

TWMA believes the wellbeing of children and young people is paramount and is committed to ensuring the proper risk management processes are in place, including in relation to any online environments. TWMA proactively assesses and manages risks to children in order to reduce the risk of harm without compromising a child's right to privacy, access to information, social connections and learning opportunities.

Reviews of our organisation, including the health and safety processes, include reviews to identify any risks to children posed by organisational settings, activities and the physical environment.

In order to reduce and remove risk to children in the programs, activities and physical environment of the organisation, risk assessments must consider child safety strategies that will create a child friendly environment.

## 5.8 Notifying TWMA

If a complaint or incident occurs or is suspected to have occurred in connection with TWMA, the staff member or volunteer must immediately notify the Museum Director or the General Manager.

The Museum Director or General Manager, as relevant, must, in addition to their other requirements as set out in this Policy or by law:

- (a) promptly conduct a preliminary review of the incident;
- (b) promptly act to ensure the safety of all children;
- (c) notify the relevant authorities if a criminal activity is alleged to have occurred;
- (d) report the incident to the Board; and
- (e) ensure that the incident is appropriately investigated, including providing the person about whom the complaint was made the opportunity to reply, and then report the findings of the investigation to the Board, and, where appropriate, to staff and volunteers, communities, families and children (as relevant).

## 5.9 Child protection

- (a) *Child Wellbeing and Safety Act 2005 (Vic)*

Under Section 3(1) of the *Child Wellbeing and Safety Act 2005 (Vic)* 'child abuse' includes:

- (i) any act committed against a child that involves a sexual offence or other specific offences under the *Crimes Act 1958 (Vic)*; or
- (ii) the infliction of physical violence, or serious emotional or psychological harm, on a child; or
- (iii) the serious neglect of a child.

- (b) *Failure to disclose offence*

The *failure to disclose offence* is an offence under the *Crimes Act 1958 (Vic)*, and came into effect on 27 October 2014 for adults who fail to disclose child sexual abuse to police. The offence applies to all adults, not just professionals who work with children. Any adult who holds a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16 in Victoria must report that belief to police, unless they have a reasonable excuse for not reporting or an exemption applies.

- (c) *Failure to protect offence*

The *failure to protect offence* applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. People of authority in an organisation will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

## 5.10 Review

TWMA will review this Policy and its child safe practices at least every 2 years, in consultation with staff, families, community and children.

The reviews, any analysis of concerns, complains and incidents, the findings of any investigations and other best practice models will inform TWMA's approach to continuous improvement of practices and compliance with the Policy.

## 6 Contacts

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- (a) To report concerns that are life threatening or if you believe a child is in immediate risk of being sexually abused, ring Victoria Police **000**
- (b) To make a report during office hours call your nearest Child Protection Service (8.45am - 5.00pm Monday - Friday) See <https://services.dffh.vic.gov.au/child-protection-contacts> for further details.
- (c) To report non-life threatening concerns about the immediate safety of a child after hours, call the After Hours Child Protection Emergency Service **131 278** (5pm-9am Monday to Friday / 24 hours on weekends and public holidays)
- (d) Kids Helpline (for children and young people) **1800 551 800**

For questions about this Policy, contact either of the following persons:

### Victoria Lynn

**Position:** Museum Director  
**Tel:** +61 (03) 5957 3100  
**Email:** [Victoria@twma.com.au](mailto:Victoria@twma.com.au)  
**Mail:** PO Box 310, Healesville VIC 3777 Australia

### Tony Dutton

**Position:** General Manager  
**Tel:** +61 (03) 5957 3100  
**Email:** [Tdutton@twma.com.au](mailto:Tdutton@twma.com.au)  
**Mail:** PO Box 310, Healesville VIC 3777 Australia

## 7 Related external policies, documents and resources

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Applying for a Working with Children Check - <https://www.workingwithchildren.vic.gov.au/individuals/applicants/how-to-apply-1>

Commission for Children and Young People (CCYP) guide for Creating a Child Safe Organisation - <https://ccyp.vic.gov.au/resources/child-safe-standards/>

Reporting concerns about children or young people – <https://services.dffh.vic.gov.au/reporting-child-abuse>

Charter of Human Rights and Responsibilities - <https://www.humanrights.vic.gov.au/legal-and-policy/victorias-human-rights-laws/the-charter/>

United Nations Convention on the Rights of the Child - <https://www.unicef.org.au/our-work/information-for-children/un-convention-on-the-rights-of-the-child>

The Royal Commission into Institutional Responses to Child Sexual Abuse - <https://www.childabuseroyalcommission.gov.au/>

## 8 Legislation

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*Child Wellbeing and Safety Act 2005* (Vic) - <https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/035>

*Children, Youth and Families Act 2005* (Vic) - <https://www.legislation.vic.gov.au/in-force/acts/children-youth-and-families-act-2005/131>

Failure to disclose offence - <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence>

Failure to protect - <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to>

*Working with Children Act 2005* (Vic) - <https://www.legislation.vic.gov.au/as-made/acts/working-children-act-2005>