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1. Purpose

- 1.1 It is a whole of The Song Room's (TSR) responsibility to respond to concerns or allegations of misconduct toward a child.
- 1.2 This procedure assists in ensuring that all staff, volunteers and subcontractors (workers) can recognise misconduct; report concerns or allegations to a manager; and that managers can respond appropriately.

2. Scope

- 2.1 This procedure applies to all TSR workers.
- 2.2 This procedure includes concerns or allegations of misconduct both within and outside of the workplace made against a **current** TSR worker, irrespective of the amount of time that has elapsed between when the misconduct occurred and when it was reported.
- 2.3 This procedure applies to concerns or allegations raised by any person, including current clients, former clients, family members, TSR workers, or other workers external to TSR, and community members.

3. Definitions

Allegation: a statement or assertion that has yet to be substantiated or proven and that, for the purposes of this policy, relates to a specific matter reported to TSR concerning a TSR worker that is unacceptable behaviour because a child has been, or may be, harmed in some way.



Best interests of the child: the principle of the best interests of the child is set out in the *United Nations Convention on the Rights of the Child* and refers to the primary consideration in all actions and decisions being that of the child.

Carer/s: are adults who provide paid or unpaid care and support to children for a range of reasons. A carer may be directly providing an official care service (such as disability support or day care), or have a formal arrangement with the child protection authority (usually referred to as foster care), or be caring for a child as their parents are unable to.

Child and youth related offence: refers to offences a TSR worker has committed or is alleged to have committed, or been charged with, or convicted of, outside of the TSR workplace and includes any offence related to:

- a sexual offence or sexual misconduct committed against or in the presence of a child, including child pornography or offences involving child abuse material; or
- the assault, ill-treatment or neglect of a child; or
- behaviour that causes emotional harm to a child, whether or not with the consent of the child; or
- family and domestic violence where a child is at risk of being harmed or has been harmed, either physically or emotionally.

Child: refers to a child under the age of 18 years.

Note: Relevant legislation, services and authorities may refer to a child between the ages of 12 and 18 as a 'young person'

Child protection authority: the State or Territory government agency that is responsible for protecting children from the risk of harm of abuse or neglect when their parents or carers are unable to do so. See Appendix III for Mandatory Reporting Guidelines.

Child protection report: an official notification of a risk of abuse concern to a State or Territory child protection authority.

Concern: when a TSR worker has broad yet incomplete general information or observations about another TSR worker's behaviour towards children, i.e. a TSR worker is not required to have all the details.

Conduct: the way a TSR worker while behaves at work or when representing the organisation. The worker's conduct out of hours may also apply where TSR reasonably believes that it would fit within the ambit of the workplace, e.g. social media posts that reference TSR or TSR workers. Conduct may include child and youth related offences.

Disclosure of abuse or neglect: is when a child tells a TSR worker that they have been, or are being, harmed in some way with regard to physical, sexual or emotional abuse or neglect.

Duty of care: for the purpose of this policy, it is the moral or legal obligation of TSR workers to take reasonable steps to keep children safe from foreseeable abuse and provide a safe environment.

Good faith: for the purpose of this policy, it is a sincere belief or motive by a TSR worker, without malice or desire to defraud another, when they respond to a concern or allegation of misconduct towards a child.

Incident Owner: the TSR worker with the accountability and authority to own and manage an Incident related to the concern or allegation of misconduct.



Mandatory report: an official report of a risk of abuse concern to a State or Territory child protection authority by a mandatory reporter as required in legislation.

Misconduct: refers to physical abuse; sexual abuse; emotional abuse; neglect; and exposure to family and domestic violence. Misconduct is conduct which is unacceptable to TSR See Appendix I.

Procedural fairness: is concerned with the procedures used by a decision-maker regarding misconduct, rather than the actual outcome reached. This means that TSR workers must be given reasonable opportunity to respond to allegations made against them and have their response, evidence and any mitigating circumstances considered by an unbiased decision maker before any decision to take disciplinary action is taken. Procedural fairness is sometimes called 'natural justice'.

Reportable conduct scheme: reportable conduct schemes in NSW and Victoria require misconduct towards children to be reported to the Office of the Children's Guardian in NSW and the Commission for Children and Young People in Victoria. These schemes have specific criteria as to the behaviours that constitute reportable conduct as well as additional reporting requirements.

Responsible reporter: in accordance with TSR's organisational duty of care to children, all TSR workers are required to recognise and respond to allegations of misconduct concerns, and as such are referred to as responsible reporters. For the purposes of this policy and procedure all TSR workers are considered responsible and mandatory reporters.

Substantive fairness: means that there must be a valid reason for disciplinary action and any disciplinary action imposed must be reasonable given the seriousness of the breach.

Workers include all staff, contractors and volunteers including all Board and Committee members.

4. Principles

Best interests of the child

We will ensure the best interests and immediate safety of the child are paramount in our responses to misconduct concerns, allegations, incidents or offences.

Communication and consultation

We will make all reasonable efforts to involve and advise relevant internal and external stakeholders of the progress of our management of a concern, allegation, incident or offence relating to misconduct towards a child.

Duty of care

We will respond to all concerns, allegations, incidents and offences relating to misconduct towards a child as part of our duty of care.

Good faith

All TSR workers will reasonably endeavour to respond to misconduct concerns, allegations, incidents or offences in good faith.

Privacy and confidentiality

We will ensure confidentiality is respected and we will handle information in accordance with the *Privacy Act 1988 (Cth)*, any State or Territory Government legislative or policy requirements. We will also ensure that all parties involved in an investigation into a misconduct concern, allegation, incident or offence, should this be required, are briefed on the requirement of confidentiality.

Procedural fairness



We will ensure that procedural fairness is afforded to all parties involved in the concern, allegation, incident or offence.

Reporting - external

We will abide by all contractual, legislative and accreditation reporting requirements.

Responsiveness

We will respond to concerns, allegations incidents or offences in a timely manner to minimise the stress on all involved.

Restorative justice

We will seek to repair harm caused to other parties where a misconduct concern, allegation incident or offence by an TSR worker has been reported and substantiated, for example by way of an apology, making quality system changes, and/or a mediated conference, with the aim of negotiating a resolution to the satisfaction of all.

Support for all parties

We are mindful that responding to misconduct concerns, allegations, incidents or offences can be stressful and challenging. We will provide all parties with support and ensure the requirements for procedural fairness are met.

5. Procedure

Throughout this procedure if TSR worker's manager is not available, or is the subject of the concern or allegation, or TSR worker does not feel that manager is the appropriate manager to advise, or the TSR worker is not satisfied with the manager's response, another responsible manager from the Executive team must be informed.

5.1 Recognising and responding to concerns or allegations

5.1.1 Behaviours of a TSR worker

Behaviours of a TSR worker that may raise a concern or allegation include, but are not limited to:

- Breaches of TSR Child Safety Code of Conduct and Child Safety Policy
- Any behaviours associated with sexual, physical, verbal, written emotional abuse or neglect
- Committing, allegedly committing, being charged with or convicted of a child and youth related offence
- Misconduct and offences as defined by the reportable conduct schemes in NSW and Victoria

5.1.2 Source of information

Concerns about a TSR worker's behaviour may be identified by directly witnessing, experiencing or being notified, either internally or externally. Information may come to light immediately or at a later point in time. Information can be provided verbally (face-to-face or by phone), in writing, or via social media.

5.1.3 Disclosure of abuse or neglect by a child



Should a child in a TSR school or early years centre disclose abuse or neglect, TSR workers must listen to, reassure and respect the child who has made the disclosure and ensure appropriate supports are put in place for them by the school or early years centre.

5.2 Reporting to a manager

If the concern or allegation means that a child IS IN immediate danger or a life threatening situation, TSR worker is to call the Police and/or Ambulance on 000 immediately – and then report the concern or allegation to their manager.

If the child IS NOT IN immediate danger or a life threatening situation, the TSR worker is to report a concern or allegation of misconduct to their manager immediately.

5.3 Ensuring the immediate safety of the child

The TSR worker must ensure the immediate safety of the child in conjunction with the school or early years centre.

5.4 Rating the misconduct

All concerns or allegations of misconduct towards children are to be reported to the Executive team. The Executive team will record this as an Incident to be reported to the Audit Finance and Risk Committee (AFRC). The AFRC must report all incidents to the TSR Board.

All concerns or allegations of misconduct towards children are considered Critical Incidents.

5.5 Managing the concern or allegation

All concerns or allegations of misconduct towards children will be managed by the Executive team.

The Executive team will report all concerns or allegations of misconduct towards children to the AFRC.

For New South Wales (NSW) and Victoria refer also to the respective reportable conduct schemes:

- NSW Ombudsman Reportable Conduct Scheme
- Commission for Children and Young People, Victoria, Reportable Conduct Scheme

5.6 Reporting to relevant authorities

The organisation is to consider what authorities need to be notified on a case by case basis.

5.7 Resolution

A Critical Incident will be recorded for all concerns or allegations of misconduct towards children.

A full report including the final resolution on all concerns or allegations of misconduct towards children will be provided to the AFRC and Board.

5.8 Documentation and records

All concerns or allegations of misconduct towards children are to be fully documented and recorded as Critical Incidents and tabled before the TSR Audit, Risk and Finance Committee (AFRC) and the TSR Board in line with the TSR Risk Management policy.



6. Responsibilities

Other than those instances where the risk of harm is such that the child is in immediate danger or in a life threatening situation it is the responsibility of the TSR worker to:

- Inform the appropriate TSR Manager of all concerns or allegations of misconduct towards children verbally and then by email or in writing.
- Ensure that they are familiar with TSR policies and resources on Child Safety.

It is the responsibility of the TSR Manager to:

- Report all concerns or allegations of misconduct towards children to the Executive team.
- Ensure that all concerns or allegations are fully documented
- Ensure that all TSR workers are familiar with Child Safety policies and resources.
- Ensure that all TSR workers are following the Child Safety policies and resources.

It is the responsibility of the Executive team to:

- Report all concerns or allegations of misconduct towards children to the relevant school or early years centre.
- Ensure that all concerns or allegations of misconduct towards children are fully documented, recorded and reported as Incidents to the AFRC.
- Ensure that all TSR workers receive appropriate Child Safety training.
- Ensure that Child Safety Policies and resources are included in all recruitment and induction procedures.
- Ensuring that all Child Safety Policies and resources are easily accessible.
- Ensure that all Child Safety policies and procedures are in line with State and Territory requirements.

It is the responsibility of the AFRC to:

- Ensure that all Child Safety Polices and resources are reviewed annually.
- Report all concerns or allegations of misconduct towards children as Critical Incidents to the TSR Board.

It is the responsibility of the TSR Board to:

• Ensure that TSR has fulfilled its obligations for concerns or allegations of misconduct towards children.



- Ensure that TSR has appropriate Child Safety polices and resources.
- Ensure that all Child Safety Polices and resources are reviewed annually.



APPENDIX I

Types of Child Abuse and Neglect of Children

All types of abuse and neglect may be acute, episodic or chronic and may cause cumulative harm over time.

Physical Abuse

Physical abuse occurs when a child is deliberately hurt or injured by their parent/carer or another person. It may also be the result of the parent/carer or another person putting a child at risk of being injured.

Sexual Abuse

Sexual abuse occurs when a child is exposed to, or involved in, sexual activity that is inappropriate to the child's age and developmental level. It includes circumstances where the child has less power than another person involved, is exploited or where the child has been bribed, threatened, or coerced.

Emotional Abuse

Emotional abuse occurs when a person harms a child's development by constantly putting them down, humiliating and shaming them, not providing love, support or guidance, continually ignoring or rejecting them, scapegoating and threatening abuse or bullying. Emotional abuse can lead to poor self-esteem, feelings of worthlessness, difficulties with emotional regulation, depression, and anxiety.

Neglect

Neglect is when children do not receive adequate food or shelter, medical treatment, supervision, care or nurturance to such an extent that their development is damaged or they are injured. It also includes lack of adequate sensory, social and language stimulation in babies and young children such that there are noticeable delays in speech, motor skills, social skills, and/or cognitive ability.

Family and Domestic Violence

Family and domestic violence can take many forms such as verbal, physical, emotional, social, sexual, spiritual and financial abuse. It can also take the form of stalking and using controlling behaviours. Living in a home where there is family and domestic violence is harmful and can have a serious negative impact on a child's wellbeing, with the effects lasting into adulthood.

Grooming

Grooming is when a person builds an emotional connection with a child to gain their trust for the purposes of sexual abuse, sexual exploitation or trafficking. Children can be groomed online or face-to-face, by a stranger or, more usually, by someone they know.

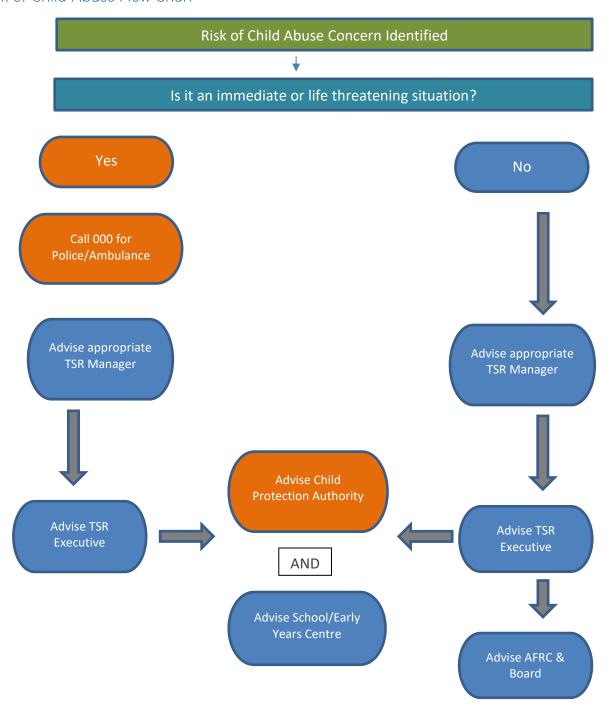
Children with harmful sexual behaviour

Harmful sexual behaviour between children is any behaviour of a sexual nature by or between children that is outside of normal developmental behaviour; is aggressive or violent or causes harm to the child or others; or where there is a substantial difference in age or developmental ability of the children involved.



APPENDIX II

Risk of Child Abuse Flow Chart





APPENDIX III

APPENDIX I

Legislation	Mandated reporters	When must a report be made?	Who is a child?
AUSTRALIAN	CAPITAL TERRITORY		
Children and Young People Act 2008(ACT)	 Doctors, nurses, enrolled nurses, midwives Dentists Teachers (including assistant teachers) and people providing education to a child or young person who is registered for home education under the Education Act2004 Police officers School counsellors People caring for a child at a child care centre People coordinating or monitoring home-based care for a family day care scheme proprietor Public servants who work with children and young people orfamilies The publicadvocate Anofficialvisitor (i.e. someone authorised to be on the premises) A person who, in the course of their employment, has contact with or provides services to children, young people and their families 	A mandated reporter must make a report if: • the person believes on reasonable grounds that a child or young person has experienced, or is experiencing, sexual abuse or non-accidental physical injury; and • that belief is formed in the course of the person's work NB: exceptions may apply.	A person under 12 years old NB: A 'young person' is a person who is 12 years old or older, but not yet 18 years old



Ombudsman Act 1989 (ACT)	The head (i.e.CEO,Principaletc.) of a designatedentity.	A mandated reporter must provideawritten	Aperson under 18 years old
	A designated entity means:	report to the Ombudsman if they become aware of a	
	 an administrative unit that deals with the safety, welfare or wellbeing of a particular child or class of children; 	reportable allegation or any reportable conviction involving an employee, volunteer or contractor of	
	a health service provider;	the entity.	
	 a government school or a non- government school; 		
	 a provider of an education and care service; 		
	a childcareservice;		
	 an approved kinship and foster care organisation; 		
	 an approved residential care organisation; or 		
	 any other entity prescribed by regulation. 		
			u
NEW SOUTH	I WALES		
Children and Young Persons (Care and Protection) Act 1998 (NSW)	 A person who, in the course of his or her professional work or otherpaid employment, delivers health care, welfare, education, children's services, residential services or law enforcement, whollyor partly, to children A person who holds a management position in an organisation, the duties of which include directresponsibility for, or 	A mandated reporter must make a report to the Department of Family and Community Services if: • they have reasonable grounds to suspect that a child is "at risk of significant harm"; and • those grounds arise during the course of or from the person's work. NB: exceptions may apply.	A person under 16 years old
	direct supervision of, the provision of health care, welfare, education,	пъ. елевриона ниау арріу.	



children's services, residential services or law enforcement, whollyorpartly, to children

Crimes Act 1900 (NSW)	Any person	A mandated reporter must make a report to the police if: • the person knows or believes that a serious indictable offence has been committed (i.e. child abuse); and • their information might be of assistance to police in apprehending, prosecuting or convicting the offender. NB: exceptions may	A person under 18 years old
	The head of a designated government or non-government agency. A designated non-government agency includes non-government schools, organisations that provide out-of-home care or substitute residential care for children, approved education and care services, and affiliated health organisations within the meaning of the Health Services Act 1997 (NSW).	apply. A mandated reporter must make a report to the Office the Children's Guardian if they become aware of a reportable allegation or reportable conviction against an employee, volunteer or contractor of the agency.	A person under 18 years old
NORTHERN	TERRITORY		
Care and Protection of Children Act 2007 (NT)	Any person	A mandated reporter must make a report to the Department of Health and Families or the police if the person believes on reasonable grounds that: • a child under 18 years old has suffered or is likely to suffer harm or exploitation; or • a child under 14 years old has been or is likely to be a victim of a sexual offence; or	A person under 18 years old



		a child under 18 years old had been or is likely to be a victim of a sexual offence occurring in the context of a special care relationship. NB: exceptions may apply.		
	In the NT, there are additional reporting obligations on registered health practitioners'. Registered health practitioners include Aboriginal health workers, chiropractors, dentists, dental hygienists, dental prosthetists, dental specialists, dental therapists, medical practitioners, midwives, registered nurses authorised to practise midwifery, registered and enrolled nurses, occupational therapists; optometrists; osteopaths; pharmacists, physiotherapists, psychologists and radiographers.	A registered health practitioner is under additional reporting obligations and must make a report if: • they believe on reasonable grounds that a child aged 14 or 15 years old has been or is likely to be a victim of a sexual offence; and • the age difference between the child and the sexual offender is greater than two years. NB: exceptions may apply.	A person under 18 years old	
Domestic and Family Violence Act (NT)	A person	A mandated reporter must make a reportif the person believes on reasonable grounds that the life or safety of a person (i.e. a child) is under serious or imminent threat because domestic violence has been, is being or is about to be committed. NB: exceptions may apply.	A person under 18 years old	
QUEENSLAND				
Child Protection Act 1999 (QLD)	 Teachers (specifically, approved teachers under the Education [QueenslandCollegeofTeachers] Act2005,employed at a school) Doctors Registered nurses Police officers with child 	A mandated reporter must make a report if: • they form a reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering significant harm caused by physical or sexual abuse; and	A person under 18 years old	



Education (General Provisions) Act 2006 (Qld)	protection responsibilities • A person performing a child advocate function under the PublicGuardian Act 2014 • Child Safety employees Licenced careservices employees Staff members at a school	 the child may not have a parent able and willing to protect the child from the harm. NB: exceptions may apply A mandated reporter must make a report if they reasonably suspect, in the course of their employment at the school, that: a student under 18 years old attending the school has been or is likely to be sexually abused by another person; a pre-preparatory age child registered in a pre-preparatory learning program at the school or a distance education pre-preparatorylearning programat the school; or a person with a disability who is being provided with special education at the school and is not enrolled in the preparatory year at the school. 	
SOUTH AUS	TRALIA	NB: exceptions may apply	
Children's Protection Act 1993 (SA)	 Doctors Pharmacists Registered or enrolled nurses Dentists Psychologists Police officers and community corrections officers Social workers Teachers in education institutions including kindergartens Family day care providers 	A mandated reporter must make a report to the Department of Education and Child Development if: • they have reasonable grounds to suspect that a child has been or is being abused or neglected; and • the suspicion is formed in the course of the person's work (whether paid or voluntary) or carrying out of their official duties. NB: exceptions may apply	A person under 18 years old



 Employees/volunteers in a
governmentdepartment,agency or
instrumentality, or a local
governmentornon-government
agency that provides health,
welfare,education,sporting
or recreational, child care or
esidential services wholly or partly
orchildren

 Ministers of religion (with the exception of disclosures made in the confessional) and employees or volunteers in a religious or spiritual organisation.

nandatedreportermust A person under 18 years old

TASMANIA

Children, Young Persons and Their Families Act 1997 (TAS)

- Registered medical practitioners
- Nurses andmidwives
- Dentists, dental therapists or dental hygienists
- Registered psychologists
- Police officers and probation officers
- Principals and teachers
- Persons who provide child care
- Persons involved in the management of a child care servicelicensed under the Child Care Act 2001
- Employees or volunteers of government agencies that provide health, welfare, education, child care or residential services for children, and organisations that receive any funding from the Australian Government for the provision of such services

Any other person of a class determined by the relevant government Minister by notice in the Tasmanian Government Gazette

A mandated reporter must make a report to the Department of Health and Human Services or a Community-Based Intake Service

if, in the course of carrying out their official duties:

- they believe or suspect on reasonable grounds, or know that a child has been or is being abused or neglected; or
- there is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides.

This also applies to unborn children.

NB: exceptions may apply

VICTORIA



Crimes Act 1958 (Vic)	Any person 18 years or older	A mandated reporter must make a report to the police if they form a reasonable belief that a sexual offence has been committed in Victoria against a child by another person of or over the age of 18 years. NB: exceptions may apply.	A person under 16 years old		
Children, Youth and Families Act 2005 (Vic)	 Registered medical practitioners, midwives and registered nurses Teachers registered or granted permission to teach under the Education, Training and Reform Act 2006 Principals Police 	A mandated reporter must make a report if: They form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse; The parents cannot or will not protect the child; and The belief is formed in the course of practising his/her position of employment. NB: exceptions may apply.	A person under 17 years old		
WESTERN A	WESTERN AUSTRALIA				
Children and Community Services Act 2004 (WA)	•	A mandated reporter must make a report to the Department of Communities Child Protection and Family Support if, in the course of their work, they believe on reasonable grounds that a child has been the subject of sexual	A person under 18 years old		
		abuse or is the subject of ongoing sexual abuse.			
NB: exceptions may apply. COMMONWEALTH					
Family Law Act 1975 (Cth)	 the Registrar or a Deputy Registrar of a Registry of the Family Court of Australia; the Registrar or a Deputy Registrar of the Family Court of Western Australia; a Registrar of the Federal Circuit Court of Australia; 	A mandated reporter must make a report to the prescribed welfare authority if, in the course of performing their duties, functions or powers, they have reasonable grounds for suspecting that: • a child has been abused; or • a child is a trisk of being abused	A person under 18 years old		



	1	
 a familyconsultant; 		
a familycounsellor;		
 a family disputeresolution practitioner; 		
an arbitrator;or		
 a lawyer independently representing a child's interests 		

WHERE TO CONTACT IF YOU NEED TO RESPOND TO A RISK OF CHILD ABUSE, OR CONCERN OR ALLEGATION OF MISCONDUCT

AUSTRALIAN CAPITAL TERRITORY	Child and Youth Protection Services	http://www.dhcs.act.gov.au/ocyfs 1300 556 728
NEW SOUTH WALES	Office of the Children's Guardian	https://www.kidsguardian.nsw.gov.au/child- safe-organisations/reportable-conduct- scheme/notification-forms
NORTHERN TERRITORY	Child Protection NT	Child Protection Hotline: 1800 700 250 Online: childprotectionreport.nt.gov.au
QUEENSLAND	Department of Child Safety Youth and Women	1800 811 810 https://secure.communities.qld.gov.au/cbir/ChildSafety#
SOUTH AUSTRALIA	Department for Child Protection SA	13 14 78 www.reportchildabuse.families.sa.gov.au
TASMANIA	Department of Communities	https://www.health.tas.gov.au/contact/child protection notification form
VICTORIA	Commission for Children & Young People	https://ccyp.vic.gov.au/reportable-conduct-scheme/notify-and-update/
WESTERN AUSTRALIA	Department for Child Protection WA	1800 708 704 www.mandatoryreporting.dcp.wa.gov.au

IN ALL INSTANCES WHERE A CHILD IS IN IMMEDIATE RISK OF ABUSE CALL THE POLICE ON 000

