

Child Safety and Protection

Purpose

CFA has a legal responsibility to provide safe environments for children and young people, free from all forms of child abuse and neglect, pursuant to the *Child Wellbeing & Safety Act 2005* (Vic) and legislation that directly and indirectly impacts the safety of children and young people.

CFA has a high level of commitment to ensuring child safety principles and practices are embedded across all aspects of the organisation, to promote the safety and wellbeing of children and young people and to effectively respond to behaviour that places them at risk of harm.

CFA will continue to develop and maintain a positive and proactive child safe culture that promotes the engagement of children and young people and values their contribution.

This Child Safety and Protection Business Rule (Business Rule) is a set of practical rules designed to ensure compliance with the Child Safety Executive Policy and the child safety principles contained therein. The strict enforcement of the Child Safety Executive Policy allows CFA to actively manage day-to-day compliance with its child safety practices and processes.

Scope

This Business Rule applies to all CFA employees, volunteers, FRV secondees and any cohort engaged by and representing CFA.

The persons listed above must abide by the Business Rule to the extent that each rule applies to their role.

Failure to comply with this Business Rule may result in disciplinary proceedings and/or formal investigation. Please see the section titled '**Breaches**' below for more information.

Definitions (these are by exception only; otherwise refer to CFA's Policy Dictionary)

In this Business Rule the following definitions shall apply:

CFA employee means a person who is currently employed by CFA, including those employees on an ongoing, fixed term or casual employment contract.

CFA volunteer means an officer or member who receives no remuneration for their services in relation to a brigade, but does not include an officer or member of an industry brigade.

FRV Secondee (secondee) means an officer or employee of Fire Rescue Victoria made available to CFA pursuant to section 25B of the Fire Rescue Victoria (FRV) Act 1958.

Child/Children means a child/children or young person/people under 18 years of age.

Young Person means a person who is over 11 years of age and under 18 years of age.

Principles

1. CFA's approach to child safety is informed by a set of guiding principles as set out in the Child Safety Executive Policy.
2. The principles established for all child safety considerations across CFA are as follows:
 - a) All children have a right to feel safe and to be safe, and their safety is CFA's paramount consideration. Particular attention will to be paid to the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds, as well as the safety of children with a disability.
 - b) CFA aims to ensure that a child safe approach becomes a part of CFA's everyday practice and is embedded into CFA's culture.
 - c) All CFA employees, volunteers and FRV secondees have a responsibility to keep children safe when they participate in CFA activities or are involved, engaged or exposed to CFA in any way.
 - d) CFA will advocate and ensure that children have the right for their voices to be heard and their participation is valued.
 - e) The participation and empowerment of children is fundamental to ensuring the creation of a child safe environment.
 - f) CFA acknowledges that a child safe culture will not occur without CFA taking the necessary steps to create a child safe environment.
 - g) CFA will employ appropriate risk management strategies required to identify, remove and/or appropriately mitigate risks to children.
 - h) CFA recognises that the online environment presents risks that must be managed to keep children safe and we will take a targeted approach when managing this unique risk.
 - i) All child safety concerns, or allegations of child abuse and/or neglect, must be reported and investigated by CFA in line with best practice standards.
 - j) All CFA policies, business rules and other documentation aimed to keep children safe must be continuously reviewed and strengthened to protect and support children.(collectively '**CFA's Child Safety Principles**')
 3. This Business Rule is based on the Child Safety Principles outlined in paragraph 2 above.

The Business Rule

Actions to ensure compliance with CFA's Child Safety Principles include, but are not limited to, the following:

1. Any reasonable belief that a child or young person has been or is being abused or harmed by any person must be reported, as soon as practicable, to the Child Safety Officer

A reasonable belief is a belief based on facts that would lead a reasonable person to think that reportable conduct *may* have occurred. A reasonable belief may arise, when:

- a child discloses that he or she has been abused
- someone close to a child (e.g. sibling, relative, close friend) discloses abuse on behalf of that child
- abuse, or evidence of abuse, is witnessed
- inappropriate behaviour by another adult of child is witnessed

If a child is in immediate danger call Triple Zero (000)

2. Follow CFA's Child Safety Behaviour Statement at all times.

3. Comply with organisational direction with regard to obtaining and maintaining a valid Working with Children Check.
4. Complete all mandatory Child Safety training as determined by CFA.
5. Governance structures, management practices, systems, and process must enable the building and maintaining of a safe environment for all, particularly children and young people.
6. Become familiar with the most up to date information in regard to child safety by regularly visiting the CFA Child Safety intranet site:
<https://www.members.cfa.vic.gov.au/mycfa/Show?pageId=ChildSafety>
7. Participate in training and development opportunities to continue to build understanding of child safety issues and processes.
8. Ensure recruitment screening processes and procedures are followed.
9. Ensure supervision process and procedures are followed.
10. Conduct child safety risk assessments on:
 - a) all planned events where children will be in attendance
 - b) all new programs that involve children
 - c) all activities where children will be presentThe Child Safety Team will provide guidance on completing a risk assessment if required.
11. Provide opportunities for children and young people to have a voice in relation to matters that affect them
12. Pay special attention to cultural safety of Aboriginal children and children from culturally or linguistically diverse backgrounds as well as the safety of children and young people with a disability.
13. Consideration must be given to the application of the principles in all aspects of operational and non-operational activities.

Breaches

Failure to comply with this business rule

1. CFA employees and volunteers must consider the effect or consequences of non-compliance with this Business Rule.
2. The effect of non-compliance of this Business Rule may result in a formal investigation of the circumstances and/or misconduct proceedings against employees and disciplinary proceedings against volunteers.
3. Breaches of this Business Rule may be dealt with through the CFA employees or volunteer's line manager in the first instance.
4. Breaches may be progressed and be dealt with in accordance with CFA's Complaints Management Business Rule or the relevant provisions of the applicable Enterprise Bargaining Agreement, Charters, Codes and CFA policies.
5. Breaches that involve not reporting a child safety incident may be criminal in nature and may result in investigation or prosecution by Victoria Police.

Related Legislation and Documents

1. *Child Wellbeing and Safety Act 2005*
2. The Victorian Government Child Safe Standards
3. *Worker Screening Act 2020*
4. *The Wrongs Act 1958* including *Wrongs Amendment (Organisational Child Abuse)*
5. *The Crimes Act 1958*
6. *Children, Youth and Families Act 2005*
7. *Family Violence Protection Act 2008*
8. *The United Nations Convention on the Rights of the Child*
9. CFA Child Safety Behaviours Statement
10. CFA Youth Engagement Framework
11. Standard Operating Procedure 6.05 – Crew Composition (16 and 17 Year Olds)
12. Operations Bulletin 008 / 2018 (v2)
13. Standard Operating Procedure 3.0 – Junior Members - Management of

CFA Parent policy

14. Health, Safety, Environment & Wellbeing Strategic Policy
15. Child Safety Executive Policy

Other CFA policy

16. Working with Children Checks – New CFA Engagements executive policy
17. Compliance Policy
18. Recruitment and Selection Policy

Approvals

Approval and Review	Details
Version no.	
Approval date	DD/MM/YYYY
Approved by	(Position title)
Document owner	(Position title)

Further Information

Contact the Child Safety Team for further information about this *business rule* via email childsafetyofficer@cfa.vic.gov.au