



Involvement in child and youth activities – advice for Clubs

If you (a Rotary Club) conducts activities that involve the provision of services to, or directed at, children, then you have obligations to:

1. The children your volunteers interact with
2. The State of Victoria
3. Rotary International
4. Your insurers

This document is intended to help you recognise and meet those obligations

Your obligations at law

Working with Children Act

The Working with Children Act 2005 established a screening process for persons engaging or intending to engage in child related work that involves direct contact with children. It is NOT an assessment of suitability.

Work undertaken as a volunteer in a Rotary activity that involves the provision of services for or directed at children; and usually involves direct contact with a child or children WILL be child related work for which a WWC is required.

If a volunteer of yours:-

- a. Does not have a current WWC; and
- b. Engages in child-related work; and
- c. You know that the volunteer does not have a current Working with Children check, or don't care about whether or not the volunteer has a Working with Children Check

then you, as a Club, are committing an offence where the maximum penalty is a fine of up to 1200 penalty units (currently \$190,284).

Child Safety and Wellbeing Act

Child Safe Standards

Each Rotary Club is required to have policies and procedures that are directed to:

1. Strategies to embed an organisational culture of child safety, including through effective leadership arrangements
2. A child safe policy or statement of commitment to child safety
3. A code of conduct that establishes clear expectations for appropriate behaviour with children
4. Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel
5. Processes for responding to and reporting suspected child abuse
6. Strategies to identify and reduce or remove risks of child abuse
7. Strategies to promote the participation and empowerment of children

Some of these are addressed on the following pages. It is the responsibility of each Club to "fill in the gaps" and consider where the information and suggestions here are suitable for your Club.

Statement of Commitment to Child Safety

We have a zero tolerance for child abuse and are committed to acting in children's best interests and keeping them safe from harm. We regard our child protection responsibilities with the utmost importance and as such, are committed to providing the necessary resources to ensure compliance with all relevant child protection laws and regulations and maintain a child safe culture.

Child abuse includes sexual offences, grooming, physical violence, serious emotional or psychological harm, serious neglect and a child's exposure to family violence. We are committed to the protection of all children from all forms of child abuse and demonstrates this commitment through the implementation of a comprehensive Child Protection Program designed to keep children safe.

Child Safe Values & Principles

Our commitment to child safety is based on the following overarching principles that guide the development and regular review of our systems, practices, policies and procedures to protect children from abuse.

All children have the right to be safe.

The welfare and best interests of the child are paramount.

The views of the child and a child's privacy must be respected.

The safety of children is dependent upon the existence of a child safe culture.

Child safety awareness is promoted and openly discussed within the District.

Procedures are in place to screen all volunteers (including Rotarians) who have direct contact with children.

Child safety and protection is everyone's responsibility.

Procedures for responding to alleged or suspected incidents of child abuse are simple and accessible to all.

Children from culturally or linguistically diverse backgrounds have the right to special care and support including those who identify as Aboriginal or Torres Strait Islander.

Children who have any kind of disability have the right to special care and support.

A code of conduct that establishes clear expectations for appropriate behaviour with children

Code of Conduct

Everyone involved in Club activities that supply programs or services to children are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, as set out in this code.

Positive Obligations:

Each of us are responsible for supporting the safety, participation, wellbeing and empowerment of children by:

taking all reasonable steps to protect children from abuse.

treating everyone with respect.

listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another.

promoting the cultural safety, participation and empowerment of children with Aboriginal, culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination), in addition to the safety of children with a disability

ensuring as far as practicable that adults are not left alone with a child.

reporting any allegations of child abuse to the District Protection Officer and ensure that any allegation is reported to the police.

reporting any child safety concerns to the District Protection Officer .

if an allegation of child abuse is made, ensure as quickly as possible that the child is safe.

encouraging children to "have a say" and participate in all relevant organisational activities where possible, especially on issues that are important to them.

Prohibitions:

Each of us must not

develop a relationship with children that could be interpreted as favouritism.

exhibit behaviour with children which may be construed as unnecessary physical contact.

put children at risk of abuse.

engage in open discussions of a mature or adult nature in the presence of children.

use inappropriate language in the presence of children.

express personal views on cultures, race or sexuality in the presence of children.

discriminate against any child, including because of culture, race, ethnicity or disability.

ignore or disregard any suspected or disclosed child abuse.

Concerns

Any adult to whom a student reports an allegation of sexual abuse or harassment must follow the reporting guidelines in the Sexual Abuse and Harassment Allegation Reporting Guidelines.

Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel

The Club will require all of its volunteers to complete a Form 3 and will undertake reference checking as expected.

This policy applies to all current volunteers, and well as new ones.

Where current volunteers refuse to complete and provide a Form 3 within a reasonable time, the Club will cease using those volunteers for child and youth activities

Processes for responding to and reporting suspected child abuse

Any adult to whom a student reports an allegation of sexual abuse or harassment must follow the reporting guidelines in the Sexual Abuse and Harassment Allegation Reporting Guidelines.

Reportable Conduct Scheme

Some Clubs conduct activities that bring them within the Reportable Conduct Scheme (the RCS). Overnight camps are one of the activities that attract the Scheme. Participants in the District's youth exchange program fall within the RCS, but the District is considered to be the organisation that conducts the program, not the Club

NOTE: If your Club comes within the RCS, it applies to all your activities, not just those that bring you within the Scheme.

It imposes an obligation on the head of an entity to report reportable allegations and reportable conduct, and to follow up on reported matters.

Strict time limits apply, and there are penalties for non-compliance

Note:

The reportable conduct scheme does not apply to an entity that does not exercise care, supervision or authority over children, whether as part of its primary activity or otherwise

Definitions

Commission means the Commission for Children and Young People established by section 6 of the Commission for Children and Young People Act 2012;

Employee includes a person over the age of 18 and engaged by the entity to provide services, including as a volunteer, contractor, office holder or officer, whether or not the person provides services to children;

Employment is not defined but would include tasks performed as a volunteer

Entity includes an entity that conducts a student exchange program and overnight camps for children as part of its primary activity

Head in relation to an entity includes the chief executive officer or the principal officer of the entity.

Reportable allegation means any information that leads a person to form a reasonable belief that an employee has committed—

- a. reportable conduct; or
- b. misconduct that may involve reportable conduct—

whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment;

Reportable conduct means—

- a. a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded; or
- b. sexual misconduct, committed against, with or in the presence of, a child; or
- c. physical violence committed against, with or in the presence of, a child; or
- d. any behaviour that causes significant emotional or psychological harm to a child; or
- e. significant neglect of a child;

Structural obligations of the head of an entity

The head of an entity must have in place:

- a. a system for preventing the commission of reportable conduct by an employee of the entity within the course of the person's employment; and
- b. a system for enabling any person, including an employee of the entity, to notify the head of the entity of a reportable allegation of which the person becomes aware; and
- c. a system for enabling any person, including an employee of the entity, to notify the Commission of a reportable allegation involving the head of the entity of which the person becomes aware; and
- d. a system for investigating and responding to a reportable allegation against an employee of the entity.

The prevention system

The District Youth Participation Policy is the cornerstone of the prevention system. It provides for the verification and recording of

- e. Working with Children Check status
- f. Proof of personal identity
- g. History of work involving children
- h. References that address suitability for working with children and the task to be performed

Notification obligations of the head of the entity

If the head of an entity becomes aware of a reportable allegation against an employee of the entity, the head must notify the Commission in writing of the following—

1. Within 3 business days after becoming aware of the reportable allegation—
 - a. that a reportable allegation has been made against an employee of the entity; and
 - b. the name (including any former name and alias, if known) and date of birth, if known, of the employee concerned; and
 - c. whether Victoria Police has been contacted about the reportable allegation; and
 - d. the name, address and telephone number of the entity; and
 - e. the name of the head of the entity; and
2. As soon as practicable and within 30 days after becoming aware of the reportable allegation—
 - a. detailed information about the reportable allegation; and
 - b. whether or not the entity proposes to take any disciplinary or other action in relation to the employee and the reasons why it intends to take, or not to take, that action; and
 - c. any written submissions made to the head of the entity concerning the reportable allegation that the employee wished to have considered in determining what, if any, disciplinary or other action should be taken in relation to the employee.

Investigation obligations of the head of an entity

As soon as practicable after the head of an entity becomes aware of a reportable allegation against an employee of the entity, the head must—

- a. investigate the reportable allegation or permit a regulator, or an independent investigator engaged by the entity or regulator, to investigate the reportable allegation; and
- b. inform the Commission of the identity of the body or person who will conduct the investigation.

Police involvement

3. On becoming aware that a reportable allegation may involve criminal conduct, the Commission, an entity, a regulator or an independent investigator must report the matter to Victoria Police.
4. On becoming aware that Victoria Police is investigating a reportable allegation, the Commission, an entity, a regulator or an independent investigator must not commence or continue to investigate the reportable allegation under this Part until the Chief Commissioner of Police—
 - a. advises that the police investigation has been completed; or
 - b. agrees that the investigation under this Part may proceed in consultation with Victoria Police.

Rotary International

Rotary International has lots of guides, but not *too* many rules.

The Code of Policies says this about exchange student programs

41.070.18. Volunteer Selection and Screening

Careful selection of all individuals involved in Youth Exchange should be of paramount concern and be done with the utmost care and consideration.

All adults (Rotarian and non-Rotarians) involved in the program, including but not limited to committee members, host family members, club counsellors, and others who have significant or unsupervised contact with youth, must be interviewed to determine suitability to work with youth, complete and sign a Youth Program Volunteer Application, and agree to undergo criminal background checks, including law enforcement public record checks and a reference check.

The host club or district must conscientiously screen and select host families on the basis of a written application, criminal background checks for all adults in the home, including law enforcement public record checks and reference checks, personal interview, and home visits.

Adult volunteers (both Rotarian and non-Rotarian) who have not complied with program requirements must be permanently removed by the district from involvement with youth in a Rotary context.

The Form 3 is our replacement for the Youth Program Volunteer Application and the WWC replaces the police check.

It is unreasonable to accept that we owe a lower duty of care to children in our care that is less than the duty of care we owe to exchange students.

Insurance

Very simply, to ensure coverage, it is necessary that we implement and follow the risk management, general management, and guidelines as recommended by Rotary Australia and Rotary International.

May 2018