

ROYAL LIFE SAVING CHILD SAFE COMPLAINTS MANAGEMENT AND REPORTING POLICY

NSW, ACT & TAS ONLY
August 2022



ROYAL LIFE SAVING
NEW SOUTH WALES



ROYAL LIFE SAVING
AUSTRALIAN CAPITAL TERRITORY



ROYAL LIFE SAVING
TASMANIA

1. INTRODUCTION

Royal Life Saving (RLS) is committed to ensuring children & young people feel safe and respected.

To achieve this, RLS ensures that all child safety complaints are taken seriously and responded to promptly.

RLS will not penalise or inflict adverse consequences on any person for making a complaint.

2. PURPOSE

The purpose of this Child Safe Complaints Management and Reporting Policy is to outline the reporting obligations, standards and process for child safety complaints.

Refer to the Complaints Management and Reporting procedures below at:

- Section 6. Child Safe Complaints Flowchart
- Section 7. Child Safe Complaints Process.

RLS implements a range of policies to ensure the safety of our people. This Child Safe Complaints Management and Reporting Policy sits alongside other organisational and governance policies and provides a framework to better all our people (children, young people, our staff, volunteers and community).

3. SCOPE

RLS is committed to child safety across all operating environments services and activities; and has a zero-tolerance approach to child abuse.

This guideline applies to all RLS services, operating in:

- Australian Capital Territory (ACT)
- New South Wales (NSW)
- Tasmania (Tas)

4. RESPONSIBILITY

This guideline applies to the following groups of people at RLS, regardless of whether they are in a paid, unpaid or trainee position:

- Board members
- Executives and facility managers
- Program coordinators
- Swim school supervisors
- Course trainers
- Swim school instructors, coaches, and lifeguards
- Contractors
- Trainees
- Parents and guardians, or other accompanying family
- Spectators

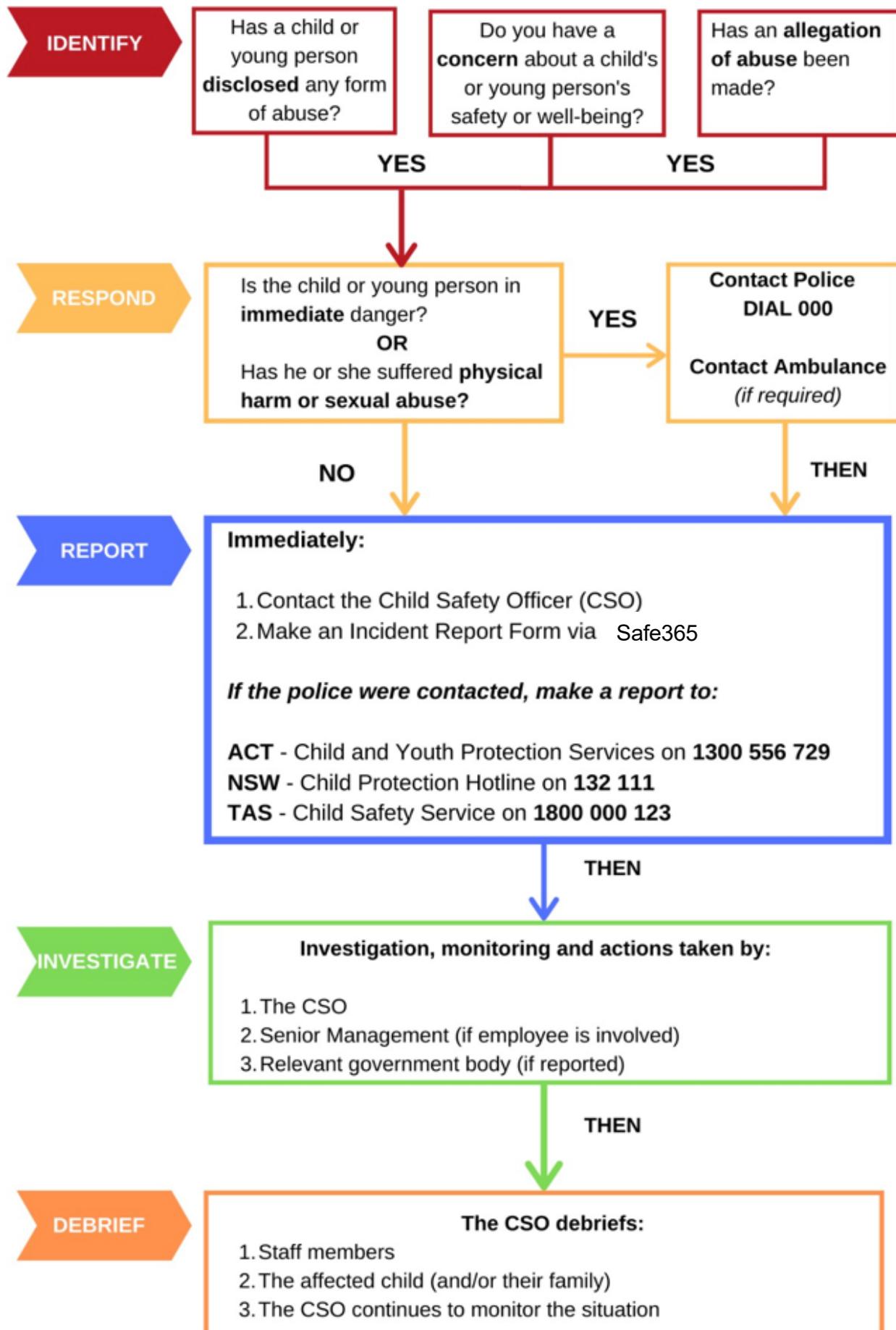
5. IMPLEMENTATION, PRACTICE, MONITORING & REVIEW

RLS Senior Management will support the implementation of the Child Safe Complaints Management and Reporting Policy.

All RLS management will enable this Child Safe Complaints Management and Reporting Policy (and associated policies, procedures and processes) to operate effectively through communication, practice and support.

All RLS staff (contractors, volunteers and any other member of the RLS community involved in child related work) are required to comply with the Child Safe Complaints Management and Reporting Policy by complying with the standards, responsibilities and requirements provided in this document.

6. CHILD SAFE COMPLAINTS AND REPORTING FLOWCHART



7. CHILD SAFE COMPLAINTS PROCESS

7.1 Child Safe Complaints Process

Step 1. IDENTIFY	Indicators	<ul style="list-style-type: none"> Identify if a child or young person has been, is being, or is at risk of being abused or neglected. Refer to Code of Conduct – Standards and Responsibilities Refer to Child Safe Handling and Physical Contact Guidelines Refer to Royal Life Saving Forms and Signs of Child Abuse Staff Information Sheet.
	Disclosure, Concern or Allegation	<p>Identify whether:</p> <ul style="list-style-type: none"> A disclosure of abuse has been made by a child or young person, or A concern has been raised about a child or young person’s safety or well- being, or An allegation has been made against a person (staff, parent or guardian, a child or young person, other person) concerning behaviour towards a child or young person.
Step 2. RESPOND	Listen	<ul style="list-style-type: none"> Allow the child or young person to use their own words when expressing their concerns. Remain calm and patient. Avoid adverse emotions, such as anger, as it may scare the child. Avoid interrogating the child or young person and ask appropriate questions. Do not use leading questions. If the abuse happened on-site, ask the child or young person if the person is still in the building and if they can describe the person. If the abuse happened at home, ask the child or young person to provide more detailed information.
	Reassure	<ul style="list-style-type: none"> Reassure the child or young person that they have done the right thing by voicing their concern. Reassure the child or young person that what has happened is not his/her fault and validate his/her feelings.
	Respect	<ul style="list-style-type: none"> Believe the child or young person. Respect that it may take time for the child or young person to disclose further information. Avoid making promises that cannot be kept, for example, not telling others. Explain to the child or young person that you may need to tell someone else to keep them safe.
	Respond	<ul style="list-style-type: none"> If the child or young person has experienced physical harm or injury, contact the ambulance immediately DIAL 000 In circumstances where a child or young person is in immediate danger, that requires urgent intervention by the police, DIAL 000. Do not leave the child or young person alone.

Step 3. REPORT	Police	<ul style="list-style-type: none"> • Report information to the police or the relevant State Child Protection Service (using the numbers in the Emergency Contacts list in Section 11 of this Policy). • In NSW, if there are reasonable grounds to suspect that a child or young person is at risk of significant harm, a report MUST be made to police as soon as possible.⁴ • In ACT, if there is a belief or a suspicion that a child or young person is being abused, neglected or is at risk of abuse or neglect, a report MUST be made to police as soon as possible.⁵ • In Tasmania, if there is a belief, or suspicion, on reasonable grounds or knowledge that a child has suffered, or is likely to be abused or neglected, that information MUST be reported to the police as soon as possible.⁶
	Child Safety Officer	<ul style="list-style-type: none"> • Regardless of whether the police were contacted, immediately notify the Child Safety Officer of the disclosure, concern, or allegation and seek further guidance
	Parent/Guardian	<ul style="list-style-type: none"> • Contact the child or young person’s parent/guardian if they are not on- site and it is safe to do so.
	Incident Report via Safe 365	<ul style="list-style-type: none"> • Gather all the child or young person’s details and as much information about the incident as possible. Record the conversation objectively. • For all child safe incidents, it is essential that all available information be recorded as soon after the incident as possible, and before the end of the staff member’s shift. This information provides a valuable source for incident investigation, risk identification, hazard elimination and establishes a record for future reference if need be. • Capture any witness accounts. • Refer to the Reporting a Risk or Hazard guiding document to lodge a report detailing the incident via Safe 365.
Step 4. INVESTIGATE	Support & Monitor	<ul style="list-style-type: none"> • If the police were contacted, RLS will provide any assistance requested. The Child Safety Officer will monitor the situation.
	Inquire	<ul style="list-style-type: none"> • If an allegation has been made against a staff member, the individual may be stood down from employment or removed from child-related activities • Investigatory and disciplinary proceedings are to be commenced.
Step 5. DEBRIEF	Employee	<ul style="list-style-type: none"> • Child Safety Officer to debrief with affected staff member and offer counselling services if required.
	Child	<ul style="list-style-type: none"> • If appropriate, Child Safety Officer to follow up with the child or young person or the child or young person’s family and document the follow up call. • If appropriate, Child Safety Officer to connect the child or young person and/or the child or young person’s family with services that will support them to manage a difficult or traumatic experience.

4 Refer to Children and Young Persons (Care and Protection) Act 1998 (NSW) s 24. 5 Refer to Children and Young People Act 2008 (ACT) s 354.

6 Refer to Children, Young Persons and Their Families Act 1997 (Tas.) s 14(2).

8. CHILD AT RISK

RLS takes reports of child abuse and neglect very seriously. If you believe or suspect a child is at risk of significant harm or is suffering abuse, immediately report to the RLS Child Safety Officer.

Senior Management will be responsible for the direct reporting of allegations to the Police, and the relevant government agency, if the incident was not immediately reported at the time it occurred.

NSW

If you need more information visit the preventing child abuse and neglect web page on the NSW Department of Communities and Justice website <https://www.dci.nsw.gov.au/>

ACT

If your concerns do not warrant a report to Child and Youth Protection Services, but you are worried about a child, consider contacting OneLink who can connect you to a wide range of support services 1800 176 468 or <https://www.onelink.org.au/>

TASMANIA

Visit the Legal Aid Commission of Tasmania website for more information <http://www.dhhs.tas.gov.au/children/> [child protection services](#)

9. REPORTING AND DISCLOSURE OBLIGATIONS

Mandatory Reporting

Some professions are legally required to report disclosures and allegations of child abuse to the state Child Protection Services. The tables below provide a summary of the different requirements and thresholds for each state in which RLS NSW operates.

In NSW, ACT & Tasmania, a young person is a person who is aged 16 or 17 years.¹⁰

NEW SOUTH WALES

Who are mandatory reporters?	<p>A person in the course of their employment who delivers health care, welfare, education, children's services, residential services or law enforcement to children.</p> <p>A person holding a managerial position in an organisation, who may have direct responsibility for the provision of health care, welfare, education, children's services, residential services or law enforcement to children.</p> <p>If you are not considered a mandatory reporter, you are still encouraged to report to the Police or the NSW Child Protection Service if an incident reaches the threshold.</p>
What is the threshold?	A belief on reasonable grounds that a child is at risk of significant harm, and those grounds arise in connection to that person's employment.
What must be reported?	<ul style="list-style-type: none">• Physical abuse• Sexual abuse• Psychological harm• Neglect• Exposure to family violence.
Legislation	Children and Young Persons (Care and Protection) Act 1998 (NSW) ss 23 and 27.

¹⁰Refer to Children and Young People Act 2008 (ACT) s 13; Children, Young Persons and Their Families Act 1997 (Tas.) s 3(1); Children and Young Persons (Care and Protection) Act 1998 (NSW) s 3.

ACT

Who are mandatory reporters?	<ul style="list-style-type: none">• Health professionals including doctors, nurses, midwives and dentists• Ministers of Religion• Teachers at a school and Child Care Centre workers• Police officers• Counsellors• Persons who provides a service, or has contact with children and young people in their course of employment <p>If you are not considered a mandatory reporter, you are still encouraged to report to the Police or the ACT Child and Youth Protection Service if an incident reaches the threshold.</p>
What is the threshold?	A belief on reasonable grounds that a child or young person has experienced, or is at risk of experiencing sexual abuse or non-accidental physical injury, and the person's belief arises because of the person's position of employment.
What must be reported?	<ul style="list-style-type: none">• Sexual abuse• Non-accidental physical injury.
Who do you report to?	<p>If there is an immediate risk of harm, call 000 or ACT Policing (131 444).</p> <p>Mandated Reporters are only required to report to Child and Youth Protection Services (1300 556 728).</p>
Legislation	Children and Young People Act 2008 (ACT) s 356.

TASMANIA

Who are mandatory reporters?	<ul style="list-style-type: none">• Medical practitioners and health professionals• Police officers• Principals and teachers of education institutions• People who provide child care services within the meaning of Child Care Act 2001 and Education and Care Services National Law (Tasmania)• Employee or volunteer of a government agency who provides health, welfare, education, child care <p>If you are not considered a mandatory reporter, you are still encouraged to report to the Police or the Tasmania Child Protection Service if an incident reaches the threshold.</p>
What is the threshold?	A belief, or suspicion, on reasonable grounds or knowledge that a child has suffered, or is likely to be abused or neglected.
What must be reported?	<ul style="list-style-type: none">• Sexual abuse• Physical abuse• Emotional/psychological abuse• Neglect• Exposure to domestic violence
Legislation	Children, Young Persons and Their Families Act 1997 (Tas.) ss 3, 4 and 14.

10. FAILURE TO REPORT OFFENCE

NSW

In NSW, it is an offence to conceal child abuse.¹¹ An adult commits an offence if they fail to report information to the police if they know, believe, or reasonably ought to know that a child has been physically or sexually assaulted.

ACT

In the ACT, any person over 18 years of age who reasonably believes a sexual offence has been committed against a child must make a report to the Police.¹²

Tasmania

In Tasmania, it is a criminal offence if a person fails to report the abuse of a child, if that person:

- has information that causes the person to form a reasonable belief that an abuse offence has been committed¹³
- fails without reasonable excuse to disclose that information to the police as soon as practicable.¹⁴

Failure to Protect Offence

NSW

In NSW, it is an offence if adults who work in organisations that engage in child-related activities, who know that another adult within that organisation poses a serious risk of abusing a child, has the power to reduce or remove this risk, and negligently fails to do so.¹⁵

ACT

In the ACT, a person in authority in a relevant institution commits an offence if they fail to protect a child or young person from a sexual offence. A relevant institution means an entity that operates facilities for, engages in activities with, or provides services to children under the entity's care, supervision or control.

The person commits an offence if they are aware of a substantial risk that a sexual offence will be committed against a child who is under the institution's care, supervision or control and fails to reduce or remove the risk.¹⁶

11 Crimes Act 1900 (NSW) s 316A. 12

Crimes Act 1900 (ACT) s 66AA.

13 Criminal Code Act 1924 (Tas) s 105A s 2(a). 14

Criminal Code Act 1924 (Tas) s 105A s 2(b). 15

Crimes Act 1900 (NSW) s 43B.

16 Crimes Act 1900 (ACT) s 66A.

11. REPORTABLE CONDUCT

Reportable Conduct

Reportable Conduct Schemes have been implemented in NSW and ACT. It is a child-protection measure designed to ensure that allegations of abuse and criminal convictions are identified, reported and acted on appropriately.

NSW

The NSW Reportable Conduct Scheme is operated by the Office of the Children’s Guardian (NSW), pursuant to the Children’s Guardian Act 2019 (NSW). The legislation stipulates what conduct is ‘reportable’ and operates to monitor how relevant organisations investigate and report on such conduct if it involves an employee of the organisation.

The scheme requires that when the head of a ‘relevant entity’ becomes aware of a ‘reportable allegation’ or ‘reportable conviction’, the head of that entity must notify the Office of the Children’s Guardian within seven (7) business days and must initiate an investigation into the allegations. The Office of the Children’s Guardian has power to monitor the entity’s investigation if it considers it to be in the best interests of the public.

The Act provides a list of what types of organisations are considered to be a ‘relevant entity’:

- Department of Education, including government schools
- Ministry of Health and local health districts
- Non-government schools
- Designated out-of-home care agencies
- Approved education and care services
- Statutory health corporations and affiliated health organisations
- Ambulance Service NSW
- TAFE
- Religious Bodies.

The Act identifies what constitutes ‘reportable conduct’ and provides examples as follows:

Offence	Definition	Example
Sexual offence s 21	An offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child.	Sexual touching of a child, A child grooming offence The production, dissemination or possession of child abuse material
Sexual misconduct s 22	Conduct with, towards or in the presence of a child that: (a) is sexual in nature, but (b) is not a sexual offence.	Descriptions of sexual acts, sexual conversations or comments
Ill treatment s 23	Conduct towards a child that is unreasonable and seriously inappropriate, improper, inhuman or cruel	Making excessive or degrading demands of a child A pattern of hostile or degrading comments or behaviour towards a child Using inappropriate forms of behaviour management towards a child
Neglect s 24	Failure to provide adequate food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to a child by a person with parental responsibility or an employee in care	Failing to protect a child from abuse, exposure to harmful environment i.e. where there is illicit drug use
Assault s 25	Intentional or reckless application of physical force without lawful justification or excuse	Hitting, striking, kicking, punching or dragging a child – threatening to physically harm a child

ACT

The ACT Reportable Conduct Scheme is operated by the ACT Ombudsman, pursuant to the Ombudsman Act 1989 (ACT). The Ombudsman has the power to monitor the practices and procedures of a 'designated entity' for the prevention of reportable conduct and power to deal with 'reportable allegations'. The Ombudsman may also monitor the investigation carried out by the designated entity.

Under the scheme, the head of a designated entity is required to notify the ACT Ombudsman of all reportable allegations within 30 days of becoming aware of the allegation.

Designated entities include:

- All ACT directorates
- Health services
- Residential care organisations
- Government and non-government schools
- Religious bodies
- Child care, education and after school care services.

Reportable allegations include conduct of the following nature:

- Ill-treatment of a child (such as emotional abuse or use of force)
- Neglect
- Psychological harm
- Misconduct of a sexual nature
- Sexual or physical offences and convictions where a child is a victim or is present
- Inappropriate discipline or not protecting children from harm.

12. TERMS AND DEFINITIONS

Child	A child is a person under the age of 18 years.
Child Abuse	Acts or omissions (neglect) that result in, or have the likelihood to result in, harm to a child or young person.
Children and young people	Throughout this policy, the term 'children and young people' is used. Although a 'young person' under 18 is legally considered to be a child, we recognise the difference in maturity levels between a teenager and an infant. We also acknowledge that older children often prefer to be called a young person, and not a child.
Child Safe Organisation	An organisation that creates cultures, adopts strategies, and takes action to prevent harm to children. It consciously and systematically creates conditions that reduce the likelihood of harm to children, creates conditions that increase the likelihood of identifying and reporting harm, and responds appropriately to disclosures, allegations, or suspicions of harm. A Child Safe Organisation meets the Child Safe Standards.
Mandatory Reporters	Designated people who are obliged by law to report suspected cases of child abuse and neglect to government authorities.
RLS Staff (staff)	Anyone who performs work, in any capacity, for RLS is considered a worker. This includes paid workers and unpaid workers such as volunteers, trainees or work experience students.

13. RELEVANT LEGISLATION, POLICIES AND DOCUMENTS

Policies and documents

- Royal Life Saving Child Safe Policy (NSW, ACT & TAS Only)
- Royal Life Saving Child Safe Handling and Physical Contact Guidelines (NSW, ACT & Tas Only)
- Royal Life Saving Child Safe Code of Conduct (NSW, ACT & TAS Only) – Internal
- Royal Life Saving Charter of Commitment to Children and Young People
- Royal Life Saving Employee Handbook (NSW, ACT & TAS Only) - Internal
- Royal Life Saving Risk Management Guidelines (NSW, ACT & TAS Only) - Internal
- Royal Life Saving Forms and Signs of Child Abuse Staff Information Sheet (NSW, ACT & TAS Only) - Internal

Relevant Legislation

- Child Protection (Working with Children) Act 2012 (NSW)
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Children and Young People Act 2008 (ACT)
- Children, Young Persons and Their Families Act 1997 (Tas.)
- Registration to Work with Vulnerable People Act 2013 (Tas).
- Working with Vulnerable People (Background Checking) Act 2012 (ACT)
- Crimes Act 1900 (NSW) s 316A.
- Crimes Act 1900 (ACT) s 66AA.
- Criminal Code Act 1924 (Tas) s 105A s 2(a).
- Criminal Code Act 1924 (Tas) s 105A s 2(b).
- Crimes Act 1900 (NSW) s 43B.
- Crimes Act 1900 (ACT) s 66A.

14. GUIDELINE STATUS AND REVIEW

The contents of the document represent the current Child Safe Complaints Management and Reporting Policy of RLS.

Endorsed by: Michael Ilinsky
Role: Chief Executive Officer

Modifications and review

This policy is due to be reviewed annually (or earlier, where indicated as part of the Work Health and Safety review process). The Chief Executive Officer is responsible for the review of this policy.

Document information

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Document Type	Policy
Document Owner	Royal Life Saving
Version	3.0
Version Date	AUGUST 2022
Version Changes	Contact details updated Document reference changed to align with new policy framework

11. CONTACTS

The Child Safety Officers (CSO) are the nominated people who oversee child safe practices and address child safety concerns. The CSO's details are below.

Name	Contact Number	Email
Ms. Cherry Bailey (NSW/ ACT/ TAS)	02 6260 5800	cherrybailey@royalact.com.au
Ms. Karina Siggins (TAS)	03 62437558	karinasiggins@royaltas.com.au
Ms. Lisa Critoph (NSW)	02 9634 3700	lisacritoph@royalnsw.com.au
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