



## LEGACY BRISBANE POLICY

### Child Safety

**Policy number:** CS-G10

**Effective date:** 06/07/2023

**Approving authority:** Legacy Board of Directors

**Sponsor:** Service Delivery Committee

**Web address:** [www.legacy.com.au/brisbane](http://www.legacy.com.au/brisbane)

**Date for review:** 06/07/2026

#### Version History

Date	Description of Change	Version
27/06/2018	Initial release	1
27/06/2023	Removal of procedure, extended definitions, and inclusion of kin.	2

**1. Purpose/Objective**

The purpose outlines Legacy's approach and commitment to Child Safety. It seeks to provide a safe, fair and inclusive environment for all Legacy children and youth involved with Legacy.

**2. Legacy Commitment**

Legacy has an expectation that all Board members, sub-committee members, Legatees, volunteers, employees, and the wider Legacy community who may come into contact with Legacy will:

- Always act in the best interest of Legacy children and youth;
- Actively encourage Legacy children and youth and their families to speak up on decisions that are important to them;
- Create a fun and positive environment for Legacy children and youth to be involved in;
- Act quickly on any children safety concerns or allegations of abuse of Legacy children and youth; and
- Commit to inclusive of those from all backgrounds and vulnerable groups, such as Aboriginal and Torres Strait Islander, Living with a disability, LGBTIQ; and/or from culturally and linguistically diverse backgrounds.

Legacy engages children and youth through our programs and activities. Legacy takes seriously its responsibility to deliver a safe, fair, and inclusive environment for Legacy children and youth with Legacy. Legacy promotes equity and, respect and diversity by:

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable, hold a valid Blue Card and supported to reflect child safety and wellbeing values in practice.

6. Processes to respond to complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.

The Legacy Board endorses this commitment to keeping Legacy children and youth safe from abuse and neglect.

### 3.1 Role and Responsibilities

Position	Responsibility
President, Vice President, Board Members, CEO, Senior Managers	<ul style="list-style-type: none"> <li>• Implement policy and procedures across Legacy Brisbane.</li> <li>• Ensure Legatees, volunteers and employees have access to and under this policy and related procedures.</li> <li>• Communicate any updates to this document and supporting resources with relevant stakeholders.</li> <li>• Provide training and advice in the application of this policy and supporting resources.</li> </ul>
Group Chairs and Supervisors/Team Leaders	<ul style="list-style-type: none"> <li>• Ensure the policy is followed and implemented.</li> <li>• Assist in the training and advice in the application of this policy and supporting resources.</li> </ul>
Event organisers, officers, and support staff	<ul style="list-style-type: none"> <li>• Ensure the policy is followed and implemented.</li> <li>• Assist in the training and advice in the application of this policy and supporting resources.</li> </ul>
Legatees/Volunteers/Employees	<ul style="list-style-type: none"> <li>• Compliance with this policy and any supporting resources.</li> <li>• Report any breach of this policy by others or yourself.</li> </ul>
All positions listed above	<ul style="list-style-type: none"> <li>• Must immediately report a reasonable suspicion of abuse or neglect and any concerns about practices or the behaviour of Board members, Legatees, volunteers, and employees.</li> </ul>

	<ul style="list-style-type: none"> <li>• Comply with all legislative obligations that they are subject to in relation to reporting of suspected Child Abuse or a WWCC.</li> <li>• Must follow a specified process when reporting abuse or neglect including who will receive reports and who fail to report a reasonable suspicion of abuse or neglect are in breach of this policy, and such breach constitutes serious misconduct.</li> </ul>
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### 3.2 Definitions

<b>Term</b>	<b>Definition</b>
<b>ATSI</b>	A person of Aboriginal or Torres Strait Island heritage or a person who identifies with those communities of peoples.
<b>Child</b>	A person below the age of 18 years or who is undertaking secondary and tertiary education but normally only up to the age of 25 years.
<b>Child protection</b>	Any responsibility, measure or activity undertaken to safeguard children from harm.
<b>Abuse</b>	<p>A single incident or a number of incidents that take place over time. The Child Protection Act 1999 considers whether a child:</p> <ul style="list-style-type: none"> <li>• has suffered harm, is suffering harm, or is at risk of harm;</li> <li>• has a parent or guardian able and willing to protect the child from harm.</li> </ul> <p>There are four different types of child abuse that lead to harm:</p> <ul style="list-style-type: none"> <li>• physical abuse;</li> <li>• sexual abuse;</li> <li>• emotional abuse;</li> <li>• neglect.</li> </ul>
<b>Bullying</b>	A person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing.
<b>Child Safety Officer</b>	Nominated officer for Legacy Brisbane who has knowledge of child safety issues and legislation and is the main point of contact for others who have questions or concerns or want to report an allegation of abuse.
<b>Child safe organisation</b>	<ul style="list-style-type: none"> <li>• A preventative, proactive and participatory stance on child protection issues.</li> </ul>

	<ul style="list-style-type: none"> <li>• The safety and wellbeing of children and youth is a paramount consideration when developing activities, policies and management practices.</li> <li>• Values and embraces the opinions and views of children and youth.</li> <li>• Encourages and assists children to build skills that will assist them to participate in society.</li> <li>• Takes action to protect children from physical, sexual, emotional and psychological abuse and neglect.</li> </ul>
<b>Emotional or Psychological Abuse</b>	<p>A Child or youth does not receive the love, affection, or attention they need for healthy emotional, psychological, and social development or are exposed to violence/abuse against other Children or adults. Such abuse may involve:</p> <ul style="list-style-type: none"> <li>• repeated rejection or threats to a Child or youth;</li> <li>• constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule, intentional exclusion, continual coldness, and rejection;</li> <li>• bullying and Harassment; and</li> <li>• environment where there is the potential to result in damage to a Child's physical, intellectual, or emotional wellbeing and development.</li> </ul>
<b>Family Violence</b>	<p>Violence (either actual or threatened) which occurs within a family including physical, verbal, emotional, psychological, sexual, financial or social abuse. Family violence is a criminal offence and can be liable to prosecution.</p>
<b>Grooming</b>	<p>The process by which an adult establishes a trusting relationship with a child and those associated with the child and youth's care and wellbeing, to create an environment in which abuse can occur.</p>
<b>Harassment</b>	<p>Any type of behaviour towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment.</p>
<b>Harm</b>	<p>Harm to a child (Section 9 of the Child Protection Act 1999) is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused.</p> <p>Harm can be caused by:</p> <ul style="list-style-type: none"> <li>• physical, psychological or emotional abuse or neglect;</li> <li>• sexual abuse or exploitation;</li> </ul>

	<ul style="list-style-type: none"> <li>• a single act, omission or circumstance; or</li> <li>• a series or combination of acts, omissions or circumstances.</li> </ul>
<b>Kin</b>	<ul style="list-style-type: none"> <li>• A member of the child’s family group who is a person of significance to the child or youth.</li> <li>• If the child is an Aboriginal child, a person who, under Aboriginal tradition, is regarded as kin of the child or youth.</li> <li>• If the child is a Torres Strait Islander child, a person who under Island custom, is regarded as kin of the child.</li> <li>• Another person, who is recognised by the child or youth, or family group as a person of significance to the child and if the child or youth is an Aboriginal or Torres Strait Islander child, with whom the child has a cultural connection.</li> </ul>
<b>Misconduct with a Child</b>	Any behaviour involving a child or youth that is objectively age inappropriate and/or places the child or youth at risk of harm biting, poisoning, smothering. Physical abuse does not always leave visible marks or injuries. Regardless of marks or injuries, the act itself causes trauma to the child or youth.
<b>Neglect</b>	Neglect occurs when a child or youth’s needs are not met, affecting their health and development. Basic needs include food, housing, health care, clothing, personal hygiene, and adequate supervision.
<b>Physical Abuse</b>	Physical abuse occurs when a child or youth has suffered, or is at risk of suffering, non-accidental physical trauma or injury. Physical abuse can include hitting, punching, kicking, strangling, shaking, throwing, burning.
<b>Reportable suspicion</b>	<p>A Reportable Suspicion about a child or youth is a reasonable suspicion that the child or youth:</p> <ul style="list-style-type: none"> <li>• has suffered, is suffering, or is at unacceptable risk of suffering, harm caused by physical, sexual or emotional abuse or neglect;</li> <li>• and does not have a parent able and willing to protect the child from the harm.</li> </ul>
<b>Sexual Abuse</b>	<p>Child sexual abuse occurs when an adult, adolescent or child use their power or authority to involve a child in sexual activity. Child sexual abuse can cause physical and emotional harm to a child.</p> <p>Sexual abuse can be physical, verbal or emotional and can include but is not limited to the following:</p>

	<ul style="list-style-type: none"> <li>• kissing or holding, or touching a child in a sexual manner;</li> <li>• exposing a sexual body part to a child;</li> <li>• having sexual relations with a child;</li> <li>• talking in a sexually explicit way that is not age or developmentally appropriate;</li> <li>• making obscene phone calls or remarks to a child;</li> <li>• sending obscene mobile text messages or emails to a child;</li> <li>• fondling a child in a sexual manner;</li> <li>• persistently intruding on a child’s privacy;</li> <li>• penetrating the child’s vagina or anus by either the penis, finger or any other object;</li> <li>• oral sex;</li> <li>• rape;</li> <li>• incest;</li> <li>• showing pornographic films, magazines, internet sites or photographs to a child;</li> <li>• having a child pose or perform in a sexual manner;</li> <li>• forcing a child to watch a sexual act;</li> <li>• child prostitution.</li> </ul>
<b>Unlawful Discrimination</b>	<p>Direct Discrimination, when a person or group of people is treated less favourably than another person or group, because of a personal characteristic; and</p> <p>Indirect Discrimination, when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share, where such personal characteristic is protected by applicable anti-discrimination legislation.</p>
<b>Victimisation</b>	<p>subjecting a person, or threatening to subject a person, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint or lawful disclosure, including under applicable legislation or this Policy, or for supporting another person to take such action</p>

#### 4. Related Documents

Controlled documents related to this policy are accessed in from the master-controlled documents system currently held in [Q:\People and Culture, Community Services].

Doc Number	Title
POL PC-001	Code of Conduct
POL WHS-001	Workplace Health and Safety
POL PC-003	Privacy, confidentiality, and data management
PRO PC-001	Recruitment, Onboarding and Cessation
PRO PC-002	Legatee, employee and volunteer checks
PRO PC-007	Grievance resolution
PRO PC-009	Workplace discrimination, bullying or sexual harassment
	Child Safety Procedure
	Child Safety Notification form
	Duty of Care Statement

#### 4.1 Legislation and Other Relevant Information

Key legislation and information to be aware for further information and guidance.

Aboriginal and Torres Strait Islander Act 2005 (Cth)
Australian Human Rights Commission Act 1986 (Cth)
Child Protection Act 1999 (Qld)
Corporations Act 2001 (Cth)
Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020
Criminal Code Act 1899 (Qld)
Disability Discrimination Act 1992 (Cth)
Human Rights Act 2019 (Qld)
Privacy Act 1988 (Cth)
Work Health and Safety Act 2011 (Qld)
Working with Children (Risk Management and Screening) Act 2000 Qld
Working with Children (Risk Management and Screening) Regulation 2020 (Qld)