



# A GUIDE FOR CREATING A CHILD SAFE ORGANISATION

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COMMISSION FOR CHILDREN AND YOUNG PEOPLE

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# Message from the Commissioners

This is the second, updated edition of *A Guide for Creating a Child-safe Organisation* produced by the Commission for Children and Young People. This edition replaces the 2006 edition shown below.



Disclaimer: This guide provides general information only. It is intended to help a broad range of organisations become more child safe. Each organisation will need to tailor this information to meet its own specific needs, consistent with its duty of care. While all care has been taken in the production of this guide, it is not intended to be legal advice. Because legislation and legal requirements change over time, organisations should confirm the legal requirements that apply to them and seek legal advice about their specific situation.

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The Commission for Children and Young People respectfully acknowledges the Traditional Owners of the country throughout Victoria and pays respect to the ongoing living cultures of First Peoples.

Printed by [insert name and address of printer].

We all have been entrusted with an obligation to do the best we possibly can to keep our children safe from harm. The abuse of children should not be tolerated in our community.

Never has the spotlight shone so brightly on the need for everyone to actively protect children from harm. The *Betrayal of Trust* report, the work of the Royal Commission into Institutional Responses to Child Sexual Abuse, and our Commission's recent inquiry report '*... as a good parent would...*', illustrate the undeniable need for organisations to have clear and transparent systems in place to keep children safe. From our work over the years in assisting organisations to become more child safe, we have found that safety does not just happen – you need to *make* it happen by enhancing your organisation's capacity to prevent and respond effectively to risks of harm to children. Children assess risk differently to adults, so it is vital that you consult with them and involve them in an ongoing way to gain their views and insights. As unsettling as it may be, as a starting point, we must acknowledge that physical, sexual, emotional, religious, cultural and racial abuse and neglect happen and that it is all of our responsibility to take action to protect children.

We applaud the Victorian government's adoption of mandatory child safe standards. These standards will help even the smallest organisations to strengthen the safety of their operations. We have no doubt that the Victorian community will welcome this initiative. It's good for children and their families, but it's also good for staff, volunteers, committees, boards and communities.

Together with the implementation of child safe standards and other new initiatives, Victoria's commitment to child safety is demonstrated in the *Commission for Children and Young People Act 2012* and the *Working with Children Act 2005*. The Commission for Children and Young People Act defines the role of the Commission for Children and Young People. Our functions include promoting the interests of vulnerable children and young people, and promoting child friendly and child safe practices within the Victorian community. We are grateful for the opportunity to do this work.

Our aim in producing this guide is to help you to assess how child safe your organisation currently is and give you practical guidance to improve your child safety and meet the Victorian child safe standards. This includes putting in place processes to ensure that you have appropriate people working or volunteering in your organisation, responding appropriately to allegations of abuse or misconduct, and, vitally, acting to prevent harm to children.

Many organisations have already started their journey to child safety and, for this, children are grateful. If that is you, we encourage you to share your expertise to inspire and support others who may have just begun this process.

We also encourage you go to [www.ccyp.vic.gov.au](http://www.ccyp.vic.gov.au) for additional helpful information and resources.

**Bernie Geary, OAM**  
Principal Commissioner

**Andrew Jackomos, PSM**  
Commissioner for Aboriginal  
Children and Young People

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All children  
have the right  
to feel safe  
and to be safe  
all of the time

## How this guide can help

The Commission for Children and Young People developed the first edition of *A Guide for Creating a Child-safe Organisation* in 2006. As a result of the introduction of compulsory minimum child safe standards in Victoria, the original guide has been updated. This new guide offers advice for organisations to help them improve their child safety approaches and make sure they comply with the new Victorian child safe standards.

Creating safe places for children to fully and actively participate in the life of the community benefits everyone. This guide will assist organisations to ensure that the children in their care are protected to the best of their ability and in line with their duty of care and the compulsory child safe standards.

## Useful definitions

### Child

The words 'child' and 'children' in this guide refers to children and young people up to the age of 18 years.

This definition is consistent with the national framework, *Creating Safe Environments for Children – Organisations, Employees and Volunteers*, the *Commission for Children and Young People Act*, the *Child Wellbeing and Safety Act 2005* and the *Children, Youth and Families Act 2005*.

The term 'child' in this guide is inclusive of anyone under 18 years of age. Not utilising the term 'young people' is not intended to diminish any emphasis on, or acknowledgement of, the safety risks to older children or teenagers.

### Harm and abuse

This guide uses a broader definition of 'abuse' of children than may be adopted in Victorian legislation. The use of the word 'harm' is often used to describe an event that is seen as possibly less detrimental than 'abuse' but is clearly not in the child's best interest or promoting their safety and wellbeing.

This guide acknowledges that there is a continuum of abuse of children and views all such events, regardless of whether they are seen as 'harm' or 'abuse', as damaging. The words 'harm' and 'abuse' in this guide refer to a wide range of abuse or neglect of children. This is discussed in more detail on [page xx](#).

### Aboriginal

The term 'Aboriginal' in this guide is inclusive of Aboriginal and Torres Strait Islander peoples.

# Setting the scene

Over the last decade, there has been significant research into child abuse in organisations. Measures have been identified that reduce the risk of children being exposed to or experiencing harm.

The following reports and initiatives are a good starting place if you would like to better understand child safety. They will help you plan how your organisation can best promote and provide a safe environment for children.

Child abuse in organisations is happening now. It's not just in the past.

## The Betrayal of Trust report

In April 2012, the Victorian government initiated an inquiry into the handling of child abuse allegations within religious and other non-government organisations. The inquiry's final report, *Betrayal of Trust*, made a number of recommendations that have been acted on by Victorian governments. These included:

- **Criminal law reform – offences relating to grooming, failure to protect and failure to disclose.** The three new laws are discussed in more detail on [page xx](#).
- **Creating child safe organisations – mandatory child safe standards and a reportable conduct scheme.** All Victorian government and non-government schools are required to have consistent policies in place for responding to child abuse allegations.
- **Civil law reform – removal of the time limit on legal action.** Legislation has removed the previous 12-year timeframe in which victims (including family members) needed to have commenced civil legal action for damages due to wrongful death (brought by dependants of a deceased victim) or personal injury resulting from child abuse. This reform applies to both past and future cases of child abuse.

For more information on the implementation of these recommendations, go to:

[www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/betrayal+of+trust+implementation](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/betrayal+of+trust+implementation)

## United Nations Convention on the Rights of the Child

A cornerstone of the development of universal child safe procedures is the rights that are outlined in the United Nations Convention on the Rights of the Child (CROC). CROC specifically recognises that children have a right to be protected from physical and mental harm and neglect and be able to enjoy the full range of human rights – civil, cultural, economic, political and social rights. An extract of the convention can be found in Appendix 1.

For more information on the United Nations Convention on the Rights of the Child, go to:

[www.unicef.org/crc](http://www.unicef.org/crc)

## The Charter of Human Rights

Victoria's Charter of Human Rights and Responsibilities (the Charter) outlines the basic human rights of all people. It was introduced in Victoria through the *Charter of Human Rights and Responsibilities Act 2006*.

The Charter requires that governments, local councils and other public authorities not act inconsistently with the Charter and consider relevant rights when they make decisions.

For more information on the Charter of Human Rights and Responsibilities, go to:

[www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)

## National Framework

Much of our nationwide thinking about child safety in organisations began in 2006 with the development of the national framework, *Creating Safe Environments for Children – Organisations, Employees and Volunteers*<sup>1</sup>, particularly the first schedule, *Guidelines for Building the Capacity of Child-Safe Organisations*.

For more information on the national framework, go to:

[www.ccyp.vic.gov.au/childsafetycommissioner/downloads/childsafe\\_framework.pdf](http://www.ccyp.vic.gov.au/childsafetycommissioner/downloads/childsafe_framework.pdf)

[www.ccyp.vic.gov.au/childsafetycommissioner/downloads/childsafe\\_sched01.pdf](http://www.ccyp.vic.gov.au/childsafetycommissioner/downloads/childsafe_sched01.pdf)

## The Royal Commission into Institutional Responses to Child Sexual Abuse

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) has investigated how institutions or organisations, such as schools, churches, sports clubs and government organisations, have responded to allegations and instances of child sexual abuse.

The Royal Commission's research and recommendations on best practice aim to provide guidance:

- to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.<sup>2</sup>

For more information on the Royal Commission, go to:

[www.childabuseroyalcommission.gov.au](http://www.childabuseroyalcommission.gov.au)

<sup>1</sup> Community and Disability Services Ministers' Conference, *National Framework: Creating Safe Environments For Children – Organisations, Employees and Volunteers* (2006).

<sup>2</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, 'Terms of Reference', *Royal Commission into Institutional Responses to Child Sexual Abuse* (2014) <<http://www.childabuseroyalcommission.gov.au/about-us/terms-of-reference>>, accessed September 2015.



# Victoria’s compulsory child safe standards

## Who do the standards apply to?

Victorian organisations that provide services to children will be required under the Child Safety and Wellbeing Act to ensure that they implement compulsory child safe standards to protect children from harm.

Organisations included exercises care, supervision or authority over children, whether as part of its primary function or otherwise.

**For more information on the organisations this legislation applies to, go to:**

[www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/in-scope-organisations-for-child-safe-standards](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/in-scope-organisations-for-child-safe-standards)

## How can organisations comply with the standards?

To comply with the compulsory child safe standards, an organisation must include the following principles as part of each standard:

- promoting the cultural safety of Aboriginal children
- promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds
- promoting the safety of children with a disability.

To create and maintain a child safe organisation, an organisation to which the standards apply must have:

1. strategies to embed an organisational culture of child safety, 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 resource 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.

**This guide discusses these requirements in detail and provides advice and tools to help organisations understand and implement them.**

## Compliance with the compulsory child safe standards

The Department of Health and Human Services led the development and implementation of the compulsory child safe standards.

All organisations, even those not legally required to implement these child safe standards, are strongly encouraged to review how they interact with children. They can still take steps to clarify and document their processes, and train staff to increase their level of child safety. This will benefit all of us.

As part of the broader child safety approach, the *Education and Training Reform Amendment (Child Safe Schools) Act 2015* requires that all Victorian schools adopt minimum child safe standards to improve the protection of children, and consistent policies for responding to allegations of abuse.

**For more information on compliance with the standards, go to:**

[www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards)

## Commencement of the standards

The standards will be introduced in two phases:

- **From 1 January 2016:**  
The standards will apply to organisations that receive government funding or are covered by regulation or contractual requirements.
- **From 1 January 2017:**  
The standards will apply to other organisations that provide services or facilities for children but do not receive government funding (such as sporting groups and child entertainment providers).

**For more information on when the standards will be in place, go to:**

[www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards)

## How to make your organisation child safe

All children have the right to feel safe and to be safe all the time, but safety does not just happen.

A child safe organisation takes deliberate steps to protect children from physical, sexual, emotional, psychological and cultural abuse, and neglect. This commitment to protecting children must be embedded in your organisation’s culture and policies. Responsibility for taking action must be understood and accepted by everyone.

A child safe organisation fosters and demonstrates openness in a variety of ways. This directly and indirectly creates a culture in which everyone – staff, volunteers, parents, carers and children – feel confident, enabled and supported to safely disclose child safety concerns.

All children, their families and carers should feel welcome in your organisation.

It takes many components to build a child safe organisation

Organisations involved with children vary enormously in size, structure, resources and the types of interactions between staff and volunteers and children.

A key objective of this guide is to help organisations to embed child safety practices in their culture.

The work that is involved in building a child safe organisation is never completed. It is a dynamic, multifaceted and ongoing developmental process of learning, monitoring and reviewing. By following the steps in this guide, embedding them in your organisation’s culture and reviewing regularly, you will reduce the opportunities for harm to occur.

It is important to realise that over-reliance on any one component of child safety, such as Working with Children Checks, will prevent you from building the robust, sustainable barriers that are needed to stop inappropriate people from working with children. Gaps in your organisation’s child safety practices could result in weaknesses that may be exploited.

While an important tool, Working with Children Checks – in the absence of broader child-safe strategies – do not make organisations safer for children. In fact, an over-reliance on Working with Children Checks can be detrimental to children’s safety. They can provide a false sense of comfort to parents and communities, and may cause organisations to become complacent due to the belief that people who have undergone Working with Children Checks do not pose any risk to children – this is not the case.

*Royal Commission into Institutional Responses to Child Sexual Abuse, Working with Children Checks Report, 2015.*

Adopt a harm-based perspective

There is a continuum of abuse of children, some of which are outlined below. All such events, regardless of whether they are seen as ‘harm’ or ‘abuse’, are damaging. Adopting a harm-based perspective will help your organisation to be proactive in identifying and preventing more serious abuse.

‘What I saw was not right, but I wouldn’t call it abuse, so I didn’t mention it to anyone.’ This *is* harm and harm *is* abusive to children.

Physical

This means intentionally causing, or threatening to cause, physical injury to a child, or inadvertently causing injury as a consequence of physical punishment or physically aggressive treatment of a child. The injury may take the form of bruises, cuts, burns or fractures.

Sexual

A child is sexually abused when any person uses their authority over the child to involve the child in sexual activity. Child sexual abuse involves a wide range of sexual activity including fondling genitals, masturbation, vaginal or anal penetration by a finger, penis or any other object, voyeurism and exhibitionism.

Sexual exploitation is considered a specific form of sexual abuse because children, by virtue of their age and development, are unable to give informed consent. Sexual exploitation of children takes different forms. It can include children being involved in sexually exploitive relationships, exposing a child to pornography, receiving money, goods, drug or favours in exchange for sex with one or more adults, or being exploited in more ‘formal’ forms of sex work. In all cases, those exploiting the children have power over them by virtue of their age, gender, physical strength, economic or other resources, such as access to drugs or gifts.

Emotional and psychological

This occurs when a person engages in inappropriate behaviours, such as rejecting, ignoring, humiliating, isolating, threatening or verbally abusing a child, or allowing others to do so. Because this kind of abuse does not leave physical injuries, it is often hidden and underestimated.

Neglect

This means failing to meet a child’s basic needs, such as providing adequate food, drink, shelter, clothing, supervision, hygiene and medical attention.

Racial, cultural, religious

This is conduct that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture or religion. It may be overt, such as direct racial vilification or discrimination, or covert, such as demonstrating a lack of cultural respect (attitude and values) and awareness (knowledge and understanding) or failing to provide positive images about another culture.

For more information on racial, cultural and religious abuse, go to:

[www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)

All abuse harms children. Even injuries that are not visible can be profound. They can strike at a child’s sense of identity, make

# Balancing child safety with diversity and cultural differences

A child safe organisation respects cultural differences and variations in child rearing practices due to a family's personal, cultural or religious beliefs.

However, a child safe organisation recognises that these differences do not reduce a child's right to be safe or the organisation's responsibility to protect the child from harm. The Royal Commission advises that:

- Some children are more vulnerable to abuse, based on various factors including age, gender, ethnicity, disability, and prior abuse or neglect.<sup>3</sup>

Cultural diversity refers to people who identify with particular groups based on their birthplace, ethnicity, language, values, beliefs or views.

Respecting diversity means:

- valuing and respecting people's beliefs
- building responsive relationships
- communicating openly and honestly to find out how best to be inclusive and respect cultural needs
- examining our personal ideas, customs and beliefs and respecting that the beliefs of one person may not be the same as another
- acknowledging and respecting that others can hold different beliefs of equal significance.

3 Royal Commission into Institutional Responses to Child Sexual Abuse, *Interim Report, Volume 1* (2015), chapter 3.

## Promoting the cultural safety of Aboriginal children

Cultural safety is:

- an environment that is safe for people: where there is no assault, challenge or denial of their identity, of who they are what they need. It is about shared respect, shared meaning, shared knowledge and experience, of learning, living and working together with dignity and truly listening.<sup>4</sup>

Every Aboriginal person and every Aboriginal child needs to feel that their sense of self and their identity is 'valued in some way by the people and environments that surround them.'<sup>5</sup> Cultural identity and safety is fundamental to a child's overall wellbeing. It affects how the child sees themselves in relation to others and how the environment impacts upon their sense of safety.

For Aboriginal people:

- culture is about family networks, Elders and ancestors. It's about relationships, languages, dance, ceremony and heritage. Culture is about spiritual connection to our lands and waters. It is the way we pass on stories and knowledge to our babies and children; it is how we greet each other and look for connection. It is about all the parts that bind us together.<sup>6</sup>

Creating a physical environment that is respectful of Aboriginal culture is an important first step. Symbols and images that surround a place send an important message about respect. By acknowledging the Country in which your organisation is located, you are demonstrating your willingness to learn, understand and respond to the diversity of Aboriginal cultures.

4 Robyn Williams, 'Cultural safety – what does it mean for our work practice?', *Australian and New Zealand Journal of Public Health*, 213 (2) (1999), pp. 2012–13.

5 Victorian Aboriginal Child Care Agency, *This is Forever Business: A framework for maintaining and restoring cultural safety in Aboriginal Victoria* (2010).

6 Andrew Jackomos, 'International Human Rights Day Oration: Linking our past to our future: How cultural rights can help shape identity and build resilience in Koori kids', *Indigenous Law Bulletin*, Volume 8, Issue 17 (2015), p. 20.

To make sure that these symbols and images create that sense of identity, consult with the families of Aboriginal children in your organisation. Symbols that are meaningful to the families who access your service might include the acknowledgement of Traditional Owners, artwork, photographs, artefacts, flags and posters.

Creating a culturally safe environment is also about relationships and actively creating the opportunity for Aboriginal voices to be heard in your planning, policies and activities. Cultural safety is about how your organisation is experienced by Aboriginal people and in particular by Aboriginal children.

Keeping our children and youth connected to their communities and strong in their identity and culture is essential to their wellbeing and the cornerstone of resilience.

Andrew Jackomos, Commissioner for Aboriginal Children and Young People

## Promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds

Belonging to a family from culturally and/or linguistically diverse background is not a single shared experience. The Victorian community includes people of many backgrounds, countries and languages, including migrants, refugees, asylum seekers and others. These families have experienced varied journeys. Some have experienced trauma, violence and harm. Others have lost the support of their extended family.

While culture should not be seen as an excuse for child abuse or neglect, it is important to understand that approaches to parenting may vary considerably across different cultural groups. However, the safety of the child should always be your main consideration.

You can promote the cultural safety of children from culturally and/or linguistically diverse backgrounds by:

- ensuring your organisation clearly demonstrates a zero tolerance to discrimination
- being respectful, inclusive and welcoming of families from a range of backgrounds
- recognising times of importance to different cultures
- ensuring the physical environment has a positive image of a range of cultures, in terms of decoration and artwork
- employing staff that are representative of your local community
- actively seeking out and talking to families about how they would like to be involved
- asking about the best way to provide information to children and families.

We may not set out to hurt or exclude or differentiate but the effect can be the same. Harm can be done regardless of our intention. This is why it is so vital to build a culture where children learn and experience so many of the social interactions that will inform their lives in adulthood, where tolerance and acceptance is core and where we think about the effect of what we say and do, as much as we consider our intentions.

Megan Mitchell, National Children's Commissioner, Australian Human Rights Commission<sup>7</sup>

7 Excerpt from a speech delivered at Generation Next 2014: The Impact of Racism on Young People's Well-Being, 25 July 2014.



Balancing child safety with diversity and cultural differences (continued)

Promoting the safety of children with a disability

Strategies that promote understanding and acceptance of diversity, including disability, and policies for identifying risks and responding to concerns are a vital component of a child safe organisation.

An inclusive environment is beneficial to all, both people with, and without additional needs.

Children with a disability can be vulnerable to abuse. Reasons for this include:

- communication difficulties
- personal care requirements
- lack of education and awareness about protective behaviours, sex, relationships and abuse
- social isolation.

Establishing child safe policies and procedures that recognise issues relating to disability helps to make these vulnerable children and their families safer.

Children with disabilities are particularly vulnerable to bullying and may have limited communication and social skills to respond in such situations. Organisations should adopt a proactive approach to this risk.

You can promote the safety of children with a disability by:

- acknowledging that children with a disability are particularly vulnerable and ensure your risk assessment process considers their needs
- ensuring your organisation clearly demonstrates a zero tolerance to discrimination and actively welcomes all children
- making sure the environment does not pose access difficulties
- being responsive to families regarding specific measures that may be required to ensure the safe participation of a child with a disability
- supporting your staff, other children and their families to understand and be inclusive of people with a disability
- thinking about how you can encourage participation and feedback from children with a disability and their families.

Significantly, children with disability are more likely to have experienced repeated incidents of sexual abuse by the time they are 18 years of age.

*Royal Commission into Institutional Responses to Child Sexual Abuse, Interim Report, 2015*





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## COMMISSION FOR CHILDREN AND YOUNG PEOPLE

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### **Commission for Children and Young People logo**

The logo represents our vision for all children to be strong in health, education, culture and identity; and facing the world with confidence.

The people are connected, equal in size and importance and there is a fluidity that binds them together.  
This is the mission of the Commission as an organisation, and also the goals it seeks to achieve for all young Victorians.

The symbol is a Koorie design created by Marcus Lee for the Commission.

The Commission respectfully acknowledges the Traditional Owners of the country throughout Victoria  
and pays respect to the ongoing living cultures of First Peoples.