

Child Safety Policy

If you are under the age of 18 and have been the subject of or are seeking to report or raise concern about any child safety issue(s), please email Learnmate at childsafes@learnmate.com.au with relevant details of the issue (including a contact phone number) and we will get back to you promptly.

If you are in immediate danger or believe the issue might be criminal please contact the police on 000.

This policy can be accessed in full [here](#)

About Learnmate

Learnmate is Australia's leading Australian community platform that connects students who want 1:1 or small group study support, with tutors who are looking to share their knowledge and earn money. From primary school to high school subjects – from science and maths to niche subjects like visual communication – Learnmate helps students improve academic performance, boost confidence, at their pace with the tutor they choose.

Our mission is simple: to connect people looking to learn and improve themselves, with tutors and teachers wanting to share their knowledge and create income opportunities for themselves.

Purpose

The purpose of Learnmate's Child Safety Policy is to provide clear guidelines to all employees, contractors and tutors interacting with children on behalf of Learnmate and outline our approach to ensuring the children and young people who engage with our services are safe. The policy has been developed to set out Learnmate's approach to:

- Embedding a child safe culture;
- Facilitate the prevention of child harm or risk of harm;
- Ensuring that all employees and tutors are aware of their responsibilities for identifying and responding to concerns or allegations of child abuse, child harm, risk of harm and neglect;
- Establishing clear procedures for preventing and detecting child harm, risk of harm and neglect and responding to such when it occurs;
- Establishing a clear process for taking appropriate action regarding allegations or incidents of child harm and neglect and;
- Providing information and assurance to children and young people, their families and the community that child safety is at the forefront of Learnmate's operations and organisational philosophy.

Scope

This policy applies to all Learnmate employees and contractors, including all tutors (contractors) engaged with our system across Australia.

Commitment to Child Safety

The safety of all the children and young people our tutors engage with is central to the operation and culture of Learnmate. Learnmate has a zero-tolerance approach to all forms of child abuse, child harm or risk of harm. As an organisation, we recognise that all children have a right to be kept safe from abuse and harm and we are committed to upholding this moral and legal obligation at all times. Consistent with this commitment, Learnmate works with tutors to ensure child safety is at the forefront of practice at all times.

Learnmate seeks to minimise the risk of child abuse and harm to children and young people through our human resources policies and procedures including the provision of support and education to our tutors; accessible feedback and complaints processes for children, young people and families and; the provision of support to stakeholders who act in accordance with the intentions of this policy to prevent and respond to harmful situations.

Legislative and Policy Context

United Nations Convention on the Rights of the Child (UNCRC)

The UNCRC underpins the principles, policies and practices that inform Learnmate's approach to child safety. The Convention is the foundation for child protection globally and recognises children's rights as human rights. Article 19 states, "Parties shall protect the child from all forms of physical or mental violence, injury or abuse, neglect, maltreatment or exploitation including sexual abuse." The Convention can be viewed online [here](#).

Royal Commission into Institutional Responses to Child Sexual Abuse

In 2017 the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) tabled both general and specific recommendations for institutions that provide care and support to children.

A range of legislative changes were recommended following the conclusion of the Royal Commission. As a result, a number of states and territories have implemented or are in the early stages of implementing legislative reform to better reflect the recommendations of the Royal Commission. Legislation is referenced in Appendix 1 and later in this policy.

National Principles for a Child Safe Organisation

Following the conclusion of the Royal Commission, the National Principles for Child Safe Organisations (National Principles) were tabled and on February 19, 2019 the Council of Australian Governments (COAG) endorsed these principles with a view for future national consistency in relation to child safety standards.

The principles collectively depict a **child safe organisation** as one that 'creates a culture, adopts strategies and takes actions to promote child wellbeing and prevent harm to children and young people.'¹ Learnmate is committed to upholding these principles and developing and maintaining a child safe culture.

¹ Australian Human Rights Commission, *National Principles for Child Safe Organisations* (2019).

Duty of Care

Learnmate recognise that, as an organisation facilitating work with children and young people, we have an obligation to ensure processes are in place to avoid acts or omissions that place children in circumstances that may lead to harm.²

Certain states/territories across Australia have implemented key legislation that places a clear legal duty on organisations to take reasonable steps to minimise the risk of child abuse and harm perpetrated by organisational representatives.

Australia's Legislative Context

There is now comprehensive legislation in most states and territories that guide how organisations must embed child safety and respond to suspected child harm and neglect. Key pieces of legislation across Australia include:

- Duty of care and organisational liability
- Voluntary and mandatory reporting
- Working with Children Checks (and equivalents)
- Grooming offences
- Failure to report (disclose) offences
- Failure to protect offences
- Reportable Conduct Schemes
- Child Safe Standards (VIC)

Policy definitions

Key policy definitions can be found in Appendix 2 of this policy.

Understanding child harm and neglect

This section sets out the approach Learnmate takes to ensure that all our staff, tutors and leaders can understand and implement knowledge of harm and neglect including:

- Definitions of abuse, harm, risk of harm and neglect and;
- Related terms
- Indicators of child abuse and harm can be found in Appendix 3 of this policy.

The forms of abuse and harm³

Physical abuse/harm: Physical abuse/harm occurs when a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver or any other adult. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. This may take the form of punching, beating, shaking or otherwise harming a child.

² Commission for Children and Young People, *A guide for Creating Child Safe Organisations* (2018).

³ Definitions adapted from *Child Wise: Definitions of Child Abuse*.

Emotional abuse/harm: Emotional abuse/harm occurs when a child's parent, caregiver or any other adult repeatedly rejects the child or uses threats to frighten the child. This may involve children:

- Being repeatedly rejected, called names or being put down
- Being frightened by threats
- Experiencing continual coldness to the extent that it significantly damages their physical, social, intellectual or emotional development
- Being exposed to family violence

Neglect: Neglect is the failure to provide for the child's basic needs for life to the extent that the child's health and development are, or are likely to be, placed at risk, including:

- Food
- Clothing
- Shelter
- Medical attention
- Supervision or care

Sexual abuse/harm: Sexual abuse occurs when a person uses power, force or authority to involve a child in any form of sexual activity. Behaviour sex offenders engage in may include:

- touching or fondling children
- sending obscene or suggestive phone calls/texts to children
- exhibitionism and or voyeurism in front of children
- exposing children to pornographic images
- penetration with penis, finger or other object into the mouth, anus or vagina. It is important to note that sexual abuse includes both contact and non-contact behaviours.

Grooming: Grooming is predatory behaviour designed to prepare a child for sexual abuse. Many perpetrators of sexual offences against children purposefully create relationships with children and young people, their families and carers in order to establish the conditions necessary for them to harm the child. For example:

- Spending special time with a child e.g. in private settings, away from their family or organisation, including online or Isolating the child or young person from family and peers
- Giving gifts to a child
- Showing favouritism
- Allowing the child to step out of boundaries or rules
- Touching the child
- Testing and breaking professional boundaries.

Exposure to family violence: Family violence is behaviour by a person towards a family member that is Physically, emotionally and/or sexually abusive. Children are impacted and traumatised when they witness or experience the chronic domination, coercion, intimidation and victimisation of one person by another through physical, sexual or emotional means within a domestic or extended family relationship. Child Abuse and Family Violence co-exist.

Key terms

Multidimensional harm: Multi-dimensional harm occurs when more than one harm type is experienced at the same time e.g. sexual abuse also involving physical harm and emotional harm at the same time.

Cumulative harm: Cumulative harm refers to the effects of multiple adverse or harmful circumstances and events in a child's life. Cumulative harm may be caused by an accumulation of a single recurring adverse circumstance (such as unrelenting low-level care); or by multiple circumstances or events (such as persistent verbal harm and denigration, inconsistent or harsh disciplines and /or exposure to family violence).

Sexually harmful behaviour: Refers to harmful behaviour perpetrated by a child (17 years of age or younger) to another child. Harmful behaviours in children are often an indicator that they have experienced harm or neglect. Where sexually harmful behaviour occurs, organisations have a duty of care to both children. Note that in children under 10 years of age, such behaviour is usually referred to as sexually problematic behaviour.

Roles and responsibilities

Director/CEO

- Ensure that child safety is prioritised at a strategic and operational level
- Ensure that child safe practices are included in relevant organisational planning processes and documents
- Ensure all staff and contractors are aware of their roles and responsibilities, internal child safe policies and procedures, relevant laws and the organisation's Code of Conduct
- Ensure that adequate human and financial resources are allocated to child safety
- Demonstrate effective leadership by championing and engaging, participating and valuing child safe practices both internally and externally
- Monitor, manage and continually improve the organisation's child safe strategies
- Ensure that children and young people that engage with the organisation are consulted about things that impact on them
- Follow appropriate reporting processes when a concern, allegation or disclosure of child abuse, child harm or neglect arises.

COO

- Promote child safe practice across the organisation
- Communicate information and promote organisational initiatives and practice (internal and external)
- Demonstrate effective leadership by championing and engaging, participating and valuing child safe practices both internally and externally
- Provide opportunities for training, supervision and ongoing support for those responsible for child safe practices
- Support staff and contractors responsible for the safety and wellbeing of children within the organisation
- Monitor, manage and continually improve the organisation's child safe practice

- Ensure the organisation is safe for children and young people
- Follow appropriate reporting processes when a concern, allegation or disclosure of child abuse, child harm or neglect arises.

All employees

- Champion child safe practices across the organisation
- Support tutors across understanding of child safety
- Demonstrate effective leadership by engaging, participating and valuing child safe practices both internally and externally
- Present new ideas, best practice options, or up-to-date information on sector-wide research and initiatives
- Ensure the organisation is safe for children and young people
- Follow appropriate reporting processes when a concern, allegation or disclosure of child abuse, child harm or neglect arises.

All tutors

- Understand the signs of child abuse and harm and how to respond to these
- Fulfil their obligations in relation to all child safety policies, procedures and practice
- Contribute to a positive child safe culture by engaging, participating and valuing child safe practices both internally and externally
- Follow the Code of Conduct when engaging with children and young people
- Follow appropriate reporting processes when a concern, allegation or disclosure of child abuse, child harm or neglect arises.

Learnmate's approach to child safety

Recruitment and selection

Learnmate is committed to implementing robust recruitment and selection processes for our employees and tutors. We focus on child safety across every stage of engagement including:

- All advertisements, position descriptions and agreements include child safety responsibilities and statement of commitment
- Interviews and 2-3 verbal reference checks include child safety centred questions and a discussion of key child safety responsibilities
- Pre-employment checks – a Working with Children Check for paid work or equivalent is required at minimum (state/territory Working with Children Checks can be found in Appendix 4)
- All prospective employees will be given a copy of the Child Safety Policy and Code of Conduct and upon confirmed work with Learnmate be required to sign the policy (or electronically acknowledge that they agree to adhere to the policy) signifying their understanding and agreement. All employees will be given the opportunity to ask questions and seek clarification prior to signing.

Tutor Agreements and Declarations

The above recruitment and screening requirements are in place for all tutors, with the exception of dot point 2.

All tutors must have provided and agreed to the following prior to beginning work:

- Read, declared their understanding and agreement to abide by Learnmate's T&Cs (the Tutor Agreement)
- Read, declared their understanding and agreement to abide by Learnmate's Child Safety Policy
- Read and agreed to abide by Learnmate's Code of Conduct

Failing the above, a tutor will not be permitted to join and be listed as a tutor on Learnmate. All tutors are given the opportunity to ask questions and seek clarification.

Education and support

Learnmate is committed to ensuring all our employees and tutors are equipped with the skills and knowledge to provide children and young people with safe learning environments, understand the responsibilities and boundaries of their roles and, respond to any child safety concerns.

Upon initial engagement with Learnmate, our employees and tutors are required to complete an online session covering child abuse and harm awareness, reporting requirements and key Learnmate policy requirements. Employees and tutors are required to complete this session every 2 years.

Regular check-ins with tutors occur following initial tutoring sessions and (insert regularity) thereafter. Check-in sessions give tutors the opportunity to unpack any issues, concerns or queries they may have about their work, as well as give Learnmate employees feedback about systems and operations.

Responding to incidents, concerns and allegations

Learnmate is constantly seeking to build a child safe culture where all employees, tutors, children and young people and families feels able to raise child safety concerns. Learnmate works to put in place mechanisms to ensure that all concerns are taken seriously, responded to promptly and thoroughly, and that reporting obligations are met.

As Learnmate operates in all states and territories (excepting Northern Territory), we recognise that different legislative standards are in place, including mandatory reporting and certain criminal offences related to reporting (see Appendix 5 for key reporting legislation). Regardless of legislative standards Learnmate takes the stance that all employees and tutors have a moral and ethical obligation to report all concerns to authorities. This approach is reflected in our reporting procedure, which includes provisions for mandatory and voluntary reporting as well as being compliant with set reporting laws operating in each State and Territory. As an organisation we seek to implement internal pathways and supports to facilitate those obligations.

Note: If a child is in immediate danger, call 000

Any person who believes on reasonable grounds that a child is need of protection must make a report to authorities. Where reporting child abuse, child harm or neglect to authorities, a reporter does not require proof, just reasonable grounds for their belief.

For specific Information of how to make a report please read our [Reporting Procedure](#).

Complaints handling

Learnmate is committed to providing an accessible complaint handling system for a range of tutors, children and young people, and families. Learnmate is in the process of developing a complaints policy and related process that will be available on our website.

All child safe issues should be reported to Learnmate by email to childsafes@learnmate.com.au with relevant details of the issue (including a contact phone number) and we will attend to it immediately. Any reports containing an allegation or reasonable suspicion of child abuse, child harm or neglect will be forwarded to the relevant law enforcement agency. If the issue or incident is a criminal offence, the incident must also be reported to the police on 000.

Supporting complaints and reporting

Learnmate recognises that where a complaint or report is made, we may have a role in supporting the child or young person the subject of the complaint or report. This support may include:

- referring the child, young person or their family to external services; and
- displaying information regarding services that may assist children, young people and their families (such as the Kids Helpline and Youth Healthline) in areas accessed by children, young people and their families.

We will also ensure support is available for staff, affiliates or volunteers who report suspected abuse or harm of a child or young person.

Code of Conduct

The purpose of Learnmate's Code of Conduct is to clearly outline the expected standard of behaviour for all employees and tutors in their interaction with or in the presence of children and young people.

Learnmate recognises that each code of conduct is unique and is dependent on the context of contact with children and must consider the age and development of children, their backgrounds, abilities and cultural and support needs. Our Code of Conduct has been designed to reflect the highest standards of practice in the environments in which our tutors can reasonably expect to engage children and young people.

Our Code of Conduct is shared with families and students to ensure they are aware of and can help facilitate the behavioural and environmental standards we expect our tutors to be able to operate against.

Empowerment and participation of children and young people

All children and young people have the right to be heard and respected. Learnmate is committed to ensure the children and young people who engage with Learnmate are informed and given opportunities to provide their views on our services. Learnmate works to regularly engage children and young people in evaluating tutor performances and our services; and provides information on how to make a complaint or give positive feedback.

Informed families

Learnmate recognises that informed families who are aware of our child safety processes and requirements for our tutors are central to developing a child safe culture. We work hard to ensure families have access to our child safety materials, including this policy and Code of Conduct, as well as providing accessible feedback and complaints avenues. There is an expectation that families work with tutors in accordance with Learnmate process, our Child Safety Policy and the Code of Conduct.

Input from parents and carers, children and young people on Learnmate's child safety approach is always welcome.

Managing child safety risks

Risk management means identifying the potential for an incident, abuse, harm or accident to occur and taking steps to reduce the likelihood or severity of its occurrence. Implementing risk management processes that actively anticipate, respond to and prevent child safety risks is paramount in Learnmate's practice.

Monitoring and reviewing risks regularly (including after incidents, near misses or complaints) is vital to ensuring the ongoing learning and improvement. We are committed to reviewing any systemic issues which may be contributing or hindering the organisation from being safe.

Online environments

Learnmate is committed to ensuring online environments are safe and utilise a risk management lens in doing so.

Online platforms have allowed for an additional mode of communication between Learnmate tutors and children and young people. Clear guidelines and procedures for managing the online tutoring experience are outlined in the Learnmate Code of Conduct: Online engagement and must be adhered to by tutors and employees.

Equity and diversity

Learnmate recognises the diverse circumstances children and young people and their families working with our tutors. We are committed to providing environments where children feel safe and are listened to and respected regardless of their abilities, sex, gender, sexual orientation, cultural or economic background.

Learnmate continuously endeavours to ensure that equity and diversity, as a principle and practice, are built into all aspects of child safety, including our policies, procedures and education and training.

Continuous improvement

Learnmate is committed to continuous improvement across our operations and practice, particularly in our approach to child safety. We are aware that our child safety journey will be long-term and are open to ongoing learning and improvement.

When reviewing our approach to child safety, including key documents, we seek the input of employees, tutors, children and young people and their families.

Any incidents, near misses or complaints are reviewed to assess strengths and required improvements across our service.

Breaches to Learnmate's Child Safety Policy

Learnmate requires all employees and tutors to adhere to the Child Safety Policy. Where a breach in policy is identified, Learnmate will respond without delay. Employees and tutors who breach this policy will face disciplinary action, up to and including termination of engagement with Learnmate.

Serious breaches of this policy and/or its related procedure will be reported to the appropriate authorities.

Reviewing Learnmate's Child Safety Policy

This policy is reviewed at minimum every two years. The review process will seek contribution and feedback from employees, tutors, families and children and young people. Learnmate is committed to reviewing the Child Safety Policy following a reportable incident. Changes may also be made to the policy following key legislative change or emerging best practice standards.

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Responsible position:	CEO	Effective Date:	14 July 2021
Authorised by:	CEO	Scheduled review date:	On the second anniversary of the Effective Date

Appendix 1: National legislation overview

Duty of Care and Organisational Liability	
State/Territory	Legislation
Australian Capital Territory	<i>Children and Young People Act 2008 ACT</i> <i>Civil Law (Wrongs) Act 2002 (ACT)</i>
New South Wales	<i>Children and Young Person (Care and Protection) Act 1998 NSW</i> <i>Civil Liability Act 2002 (Amendments 2018) (NSW)</i>
Northern Territory	<i>Personal Injuries (Liability for Damages) Act 2002 (NT)</i>
South Australia	<i>Children and Young People Safety Act 2017 (SA)</i>
Tasmania	<i>Justice Legislation (Organisational liability for child abuse) Act 2019 (TAS)</i>
Queensland	<i>Civil liability and Other Legislation Amendment Act 2019 (QLD)</i>
Victoria	<i>Children, Youth & Families Act 2005</i> <i>Wrongs Amendment (Organisational Child Abuse) Act 2017 (VIC)</i>
Western Australia	<i>Civil Liability Legislation Amendment (Child Safety Abuse Actions) Act 2018 (WA)</i>
Failure to Disclose/Failure to Report	
State/Territory	Legislation
Australian Capital Territory	<i>Crimes Act 1900 (ACT)</i>
New South Wales	<i>Criminal Legislation Amendment (Child Sexual Abuse) Act 2019</i>
South Australia	<i>Children and Young People (Safety) Act 2017</i>
Tasmania	<i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2018 (TAS)</i>
Victoria	<i>Crimes Amendment (Protection of Children) Act 2014 (VIC)</i>
Failure to Protect	
State/Territory	Legislation
ACT	<i>Crimes Act 1900 (ACT)</i>
New South Wales	<i>Criminal Legislation Amendment (Child Sexual Abuse) Act 2019</i>
Victoria	<i>Crimes Amendment (Protection of Children) Act 2014 (VIC)</i>
Child Safe Standards	
Victoria	<i>Child Wellbeing and Safety Act 2005 (VIC)</i>
Mandatory and Voluntary Reporting	

State/Territory	Legislation
Australian Capital Territory	<i>Children and Young People Act 2008 (ACT)</i>
New South Wales	<i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i>
Northern Territory	<i>Care and Protection of Children Act 2007 (NT)</i>
Queensland	<i>Child Protection Act 1999 (QLD)</i>
South Australia	<i>Children and Young People Safety Act 2017 (SA)</i>
Tasmania	<i>Children, Young Persons and their Families Act 1997 (TAS)</i>
Victoria	<i>Children, Youth and Families Act 2005 (VIC)</i>
Western Australia	<i>Children and Community Services Act 2004 (WA)</i>
Reportable Conduct	
State/Territory	Legislation
Australian Capital Territory	<i>Ombudsman Act 1989 (ACT)</i>
New South Wales	<i>Children's Guardian Act 2019 (NSW)</i>
Victoria	<i>Child Wellbeing and Safety Act 2005 (VIC)</i>
Grooming	
State/Territory	Legislation
Australian Capital Territory	<i>Crimes Act 1900 (ACT)</i>
New South Wales	<i>Criminal Legislation Amendment (Child Sexual Abuse) Act 2019</i>
Northern Territory	<i>Criminal Code Act (NT)</i>
Queensland	<i>Criminal Code Act 1899 (QLD)</i>
South Australia	<i>Criminal Law Consolidation Act 1935 (SA)</i>
Tasmania	<i>Criminal Code Act 1924 (TAS)</i>
Victoria	<i>Crimes Amendment (Grooming) Act 2014 (VIC)</i>
Western Australia	<i>Criminal Code (WA)</i>
Working with Children Checks	
State/Territory	Legislation
Australian Capital Territory	<i>Working with Vulnerable People (Background Checking) Act 2011 (ACT)</i>
New South Wales	<i>Child Protection (Working with Children) Act 2012 (NSW)</i>

Northern Territory	<i>Care and Protection of Children Act 2007 (NT)</i>
Queensland	<i>Working with Children (Risk Management and Screening) Act 2000 (QLD)</i>
South Australia	<i>Child Safety (Prohibited Persons) Act 2016 (SA)</i>
Tasmania	<i>Registration to Work with Vulnerable People Act 2013 (TAS)</i>
Victoria	<i>Working with Children Check Act 2005 (VIC)</i>
Western Australia	<i>Working with Children (Criminal Record Checking) Act 2004 (WA)</i>
Age of Consent	
State/Territory	Legislation
Australian Capital Territory	<i>Crimes Act 1900 (ACT)</i>
New South Wales	<i>Criminal Legislation Amendment (Child Sexual Abuse) Act 2019</i>
Northern Territory	<i>Criminal Code Act 1983 (NT)</i>
Queensland	<i>Criminal Code Act 1899 (QLD)</i>
South Australia	<i>Criminal Law Consolidation Act (SA)</i>
Tasmania	<i>Age of Consent Criminal Code Act 1924 (TAS)</i>
Victoria	<i>Crimes Act 1958 (VIC)</i>
Western Australia	<i>Criminal Code Act Compilation Act 1913 (WA)</i>
National Principles for Child Safe Organisations	
All states and Territories	Currently being written into legislation and at different states of implementation in states and territories. For further information refer to the National Office for Child Safety https://chilfsafety.pmc.gov.au

Appendix 2: Policy definitions

Term	Definition
Adult	A person 18 years of age or older and includes those who are employees, volunteers and associates of Learnmate.
Child	Any person under the age of 18.
Child Abuse	Abuse is an act or acts which endangers a child's health, wellbeing and/or development. It can be a single event or a series of traumatic events. It includes: <ul style="list-style-type: none"> • Cumulative harm • Emotional abuse • Exposure to family violence • Grooming • Multi-dimensional harm • Neglect • Physical abuse • Sexual abuse and sexual exploitation
Child Harm	Child harm refers to physical harm or psychological harm (whether caused by an act or omission) and, includes such harm caused by sexual, physical, mental or emotional abuse or neglect. ⁴
Child Safe	Refers to an organisational environment that has an open and aware culture, understands child harm, is supported by robust child safe policies, promotes the empowerment and participation of children, identifies and manages child safety risks, and expects all stakeholders to report any allegations, disclosures or concerns for the safety and wellbeing of children. A child safe environment ensures that children and young people are culturally safe.
Child Protection	Usually refers to a statutory authority responsible for investigating and responding to reports of child harm in the community.
Code of Conduct	A policy which specifies behaviours expected of all employees, Contractors, tutors, volunteers and directors in the organisation.
Contractor	A person or organisation that undertakes a contract to provide materials, tasks or labour to do a service or job.
Cultural Safety	Promotes the positive recognition and celebration of cultures. It is more than just the absence of racism or discrimination, and more than cultural awareness and cultural sensitivity. A culturally safe environment is socially and emotionally safe, as well as physically safe for children. It is underpinned by shared respect, shared meaning, shared knowledge and experience, and living and working together with dignity and truly listening. ⁵
Disclosure	Refers to a child telling someone (through words, drawings or actions) that he or she feels unsafe or has been harmed.
Employee/Employees	Refers to any individual employed by Learnmate.
Gender Identity	A person's concept of self as male, female, a blend of both or neither. Gender identity refers to how individuals perceive themselves and how they self-identify. Gender identity can be the same or different from the gender assigned at birth. ⁶
Leader	For the purposes of this document, leader will refer to any employee whose role means they hold leadership responsibility for key organisational functions including recruitment, selection, supervision, program planning, risk management and program delivery.

⁴ Revised from [https://www.legislation.sa.gov.au/LZ/C/A/Children%20and%20Young%20People%20\(Safety\)%20Act%202017.aspx](https://www.legislation.sa.gov.au/LZ/C/A/Children%20and%20Young%20People%20(Safety)%20Act%202017.aspx)

⁵ Revised from *An Overview of the Victorian Child Safe Standards* (November 2015) – State of Victoria, Department of Health and Human Services and *A Guide for Creating a Child Safe Organisation* (Version 2.0 December 2015) - Commission for Children and Young People.

⁶ Human Rights Campaign, www.hrc.org.

Mandated Reporter	<p>Any adult who is legally required to ensure a report has been made when a concern, allegation and /or disclosure of child harm arises. A mandatory reporter may be a person who holds a particular occupation or falls under state/territory specific legislation.</p> <p>In South Australia mandatory reporters include children and young people who work or volunteer with children.</p>
Reasonable Belief	<p>A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. A 'reasonable belief' might be formed when:</p> <ul style="list-style-type: none"> • a child states that they have been harmed • a child states that they know someone who has been harmed (sometimes the child may be talking about themselves) • someone who knows a child states that the child has been harmed • professional observations of the child's behaviour or development leads a person to form a belief that the child has been harmed • signs of harm lead to a belief that the child has been harmed.
Risk of Harm	<p>A child or young person is at risk of harm if they have suffered harm, or there is a likelihood they will suffer harm being of a kind against which ordinarily they should have been protected⁷</p>
Tutor	<p>A person that undertakes tutoring of children and young people, via the Learnmate platform.</p>

⁷ Revised from Safe Environments for Children and Young People, Government of SA, Department of Human Services.

Appendix 3: Indicators of child abuse, child harm, risk of harm and neglect

There are many indicators of child abuse, child harm, a risk of harm and neglect. The presence of a single indicator, or even several indicators, does not mean that harm or neglect has occurred. However, the occurrence of an indicator or multiple indicators should alert employees and volunteers to the possibility of child abuse, harm and neglect. Equally, abuse, harm and neglect may occur without the presence of obvious indicators, so staff and volunteers should remain open and aware and utilise their professional judgment to assess risk.

The following list includes examples of indicators and is not exhaustive.

Abuse and Harm types	Indicators
Physical	<ul style="list-style-type: none"> • Disclosure of harm • Bruises, burns, sprains, dislocations, bites, cuts. • Pressure marks from fingers • Bite marks • Location and extent of injury do not fit the explanation given • Fractured bones, especially in an infant where a fracture is unlikely to occur accidentally • Poisoning • Internal injuries • Showing wariness or distrust of adults. • Wearing long sleeved clothes on hot days (to hide bruising or other injury) • Demonstrating fear of parents and of going home; running away • Becoming fearful when other children cry or shout • Being excessively friendly to strangers • Being very passive and compliant
Sexual Abuse and Exploitation	<ul style="list-style-type: none"> • Child telling someone that sexual abuse has occurred • Complaining of headaches or stomach pains • Experiencing problems with schoolwork • Sexually transmitted infections • Genital injuries • Bleeding • Bite marks • Pregnancy • Displaying sexual behaviour or knowledge which is unusual for the child's age • Excessive masturbation which doesn't respond to boundaries • Showing behaviour such as frequent rocking, sucking and biting • Experiencing difficulties in sleeping • Persistent soiling or bed wetting • Having difficulties in relating to adults and peers • Unexplained absences, unexplained gifts or money are often signs of sexual exploitation
Emotional	<ul style="list-style-type: none"> • Disclosure of harm • Developmental delays • Displaying low self esteem • Tending to be withdrawn, passive, tearful • Displaying aggressive or demanding behaviour

	<ul style="list-style-type: none"> • Being highly anxious • Showing delayed speech • Fear of the dark, sleep disturbances • Acting like a much younger child, e.g. soiling, wetting pants • Displaying difficulties in relating to adults and peers • Avoiding home • Running away
Neglect	<ul style="list-style-type: none"> • Disclosure of neglect • Frequent hunger • Malnutrition • Poor hygiene • Inappropriate clothing, e.g. Summer clothes in winter • Left unsupervised for long periods • Medical needs not attended to; ill more than average • Abandoned by parents • Stealing food • Staying at school outside school hours • Often being tired, falling asleep in class • Abusing alcohol or drugs • Displaying aggressive behaviour • Not getting on well with peers
Family Violence	<ul style="list-style-type: none"> • Disclosure of family violence • Physical injuries • Concentration difficulties • Adjustment difficulties • Anxious or nervous • Depression • Fear of a parent or partner of parent • Isolation from friends and family • Unusual absences • Fear of conflict • Violent outbursts • Aggressive language • Headaches, abdominal pain, stuttering.

Appendix 4: Working with Children (Vulnerable People) Check Overview

<p>Persons wishing to engage in child-related work must comply with the working with children laws operating in the state or territory in which they operate. These schemes are designed to help organisations screen out potential candidates who may pose a risk to children.</p> <p>Each state and territory have their own working with children scheme.</p>	
State	Working with Children Check/ Working with Vulnerable People Check
ACT	<p>Department: ACT Government – Access Canberra</p> <p>Legislation: <i>Working with vulnerable people (Background Checking) Act 2011 (the WWVP Act)</i></p> <p>Scheme: Working with vulnerable people check</p>
NSW	<p>Department: Office of the Children’s Guardian</p> <p>Legislation: <i>Child Protection (Working with Children) Act 2012</i></p> <p>Scheme: Working With Children Check</p>
SA	<p>Department: Department of Human Services</p> <p>Legislation: <i>Child Safety (Prohibited Persons) Act 2016</i></p> <p>Scheme: Working with children check</p>
QLD	<p>Department: Queensland Government – Blue Card Services</p> <p>Legislation: <i>Working with Children (Risk Management and Screening) Act 2000</i></p> <p>Scheme: Blue Card</p>
TAS	<p>Department: Department of Justice – Consumer, Building and Occupational Services</p> <p>Legislation: <i>Registration to Work with Vulnerable People Act 2013</i></p> <p>Scheme: Working with vulnerable people check</p>
VIC	<p>Department: Department of Justice and Regulation</p> <p>Legislation: <i>Working With Children Act 2005</i></p> <p>Scheme: Working with children check</p>
WA	<p>Department: Department of Communities</p> <p>Legislation: <i>Working With Children (Criminal Record Checking) Act 2004</i></p> <p>Scheme: Working with Children Check</p>

Appendix 5: Key reporting legislation

Failure to Disclose / Failure to Report		
State/Territory	Legislation	Summary
ACT	<i>Crimes Act 1900 (ACT)</i>	<p>A person (over 18) in the ACT commits an offence where they have obtained information that leads to a reasonable belief that a sexual offence has been committed against a child and that person does not as soon as practicable report the information to police.</p> <p>Click here for more information.</p>
New South Wales	<i>Criminal Legislation Amendment (Child Sexual Abuse) Act 2019</i>	<p>An offence will be committed by an adult in NSW if they know, believe or reasonably ought to know that a child has been harmed i.e. sexual abuse, serious physical harm and extreme neglect</p> <p>A person will be deemed to have a reasonable excuse for not reporting where:</p> <ul style="list-style-type: none"> the victim is now an adult and does not want the offence reported the offence has already been reported to the Child Protection Helpline the person fears for their own safety or the safety of another person if they report.⁸ <p>Click here for more information.</p>
Victoria	<i>Crimes Amendment (Protection of Children) Act 2014 (VIC)</i>	<p>Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years of age has an obligation to report that information to the police, unless they have a reasonable excuse not to or an exemption applies. Failure to disclose the information to police is a criminal offence.</p> <p>Click here for more information.</p>
South Australia	<i>Children and Young People (Safety) Act 2017</i>	<p>There is a risk of a penalty if the person does not disclose the reasonable belief that a child or young person is, or may be, at risk of harm.</p>
Tasmania	<i>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2018 (TAS)</i>	<p>The failure to report offence came into effect on the 2nd of October 2019. The new offence requires all persons who have formed a reasonable belief that a harm offence has been committed against a child to report the information to police.</p> <p>Click here for more information..</p>

Failure to Protect		
State/Territory	Legislation	Summary
ACT	<i>Crimes Act 1900 (ACT)</i>	<p>Where there is a substantial risk of sexual abuse, failure to protect requires those persons in a position of authority in a relevant institution to take necessary steps to prevent the harm from occurring.</p> <p>Click here for more information.</p>

⁸ NSW Department of Justice, *Strengthening child sexual abuse laws* (June 2018).

New South Wales	<i>Criminal Legislation Amendment (Child Sexual Abuse) Act 2019</i>	Any adult working in an organisation doing child-related work will commit an offence if they know another adult working at the organisation poses a serious risk of abusing a child and they have the power to reduce or remove the risk and fail to do so. Click here for more information .
Victoria	<i>Crimes Amendment (Protection of Children) Act 2014 (VIC)</i>	The failure to protect offence applies to people within organisations who knew of a risk of child sexual abuse by someone in the organisation and had the authority to reduce or remove the risk but did not act to protect the child. Click here for more information .

Reportable Conduct		
State/Territory	Legislation	Summary
ACT	<i>Ombudsman Act 1989 (ACT)</i>	The Reportable Conduct Scheme is designed to improve child protection within the ACT. It requires particular organisations to report allegations of child harm and misconduct to the Ombudsman, as well as develop policies and procedure to prevent child harm. Click here for more information .
New South Wales	<i>Children's Guardian Act 2019 (NSW)</i>	The scheme monitors how certain organisations ('relevant entities') investigate and report on types of conduct ('reportable allegations' or 'reportable convictions') made against their employees, volunteers or certain contractors who provide services to children. Click here for more information .
Victoria	<i>Child Wellbeing and Safety Act 2005 (VIC)</i>	The Reportable Scheme is designed to improve oversight of how organisations respond to allegations of child harm and child-related misconduct by workers and volunteers Click here for more information .

Voluntary Reporting and Mandatory Reporting ⁹		
State/Territory	Legislation	Summary
ACT	Children and Young People Act 2008 (ACT)	Any person can report a reasonable belief that a child or young person has experienced harm or neglect. More information, including reporting options can be found here . Mandatory reporting is the legislative requirement for selected classes of people to report suspected child harm and neglect to government authorities. Persons who fall into the mandatory reporting category must report physical and sexual abuse. For a list of those mandated to report click here .

⁹ Mandatory Reporting: <https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>.

New South Wales	Children and Young Persons (Care and Protection) Act 1998 (NSW)	<p>This legislation provides for voluntary reporting to an authoritative body if a child is being maltreated or requires care. If a person believing on reasonable grounds that a child is at risk of harm, may notify the Director-General of the Department of Community Services.</p> <p>More information, including reporting pathways can be found here.</p> <p>Mandatory reporting is the legislative requirement for selected classes of people to report suspected child harm and neglect to government authorities.</p> <p>For a list of those mandated to report click here.</p>
Northern Territory	Care and Protection of Children Act 2007 (NT)	<p>All adults (persons aged 18 or over) are required to report all forms of child harm to authorities.</p> <p>More information, including reporting pathways can be found here.</p>
Queensland	Child Protection Act 1999 (QLD)	<p>This legislation provides for voluntary reporting to an authoritative body if a child is being maltreated or requires care.</p> <p>More information, including reporting pathways can be found here.</p> <p>Mandatory reporting requires certain professionals, to make a report to Child Safety, if they form a reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering significant harm caused by physical or sexual abuse, and may not have a parent able and willing to protect them.</p> <p>For a list of those mandated to report click here.</p>
South Australia	Children and Young People Safety Act 2017 (SA)	<p>Any person who is concerned about a child and has a reasonable suspicion that a child is being harmed or neglected may make a report to authorities.</p> <p>More information, including reporting pathways can be found here.</p> <p>Mandatory reporting is the legislative requirement for selected classes of people to report suspected child harm and neglect to government authorities.</p> <p>Persons who fall into the mandatory reporting category must report physical, sexual and emotional harm, as well as neglect.</p> <p>For a list of those mandated to report click here.</p>
Tasmania	Children, Young Persons and their Families Act 1997 (TAS)	<p>Any person with concerns for the safety or welfare of a child should contact authorities.</p> <p>Reporting pathways including the Advice & Referral Line can be found here.</p> <p>Persons who fall into the mandatory reporting category must report physical, sexual and emotional harm, as well as neglect.</p> <p>For a list of those mandated to report click here.</p>
Victoria	Children, Youth and Families Act 2005 (VIC)	<p>A person who has formed a reasonable belief that a child has suffered or is likely harm as result of harm or neglect, may make a report to authorities.</p> <p>More information, including reporting pathways can be found here.</p>

		<p>Persons who fall into the mandatory reporting category must report physical and sexual abuse.</p> <p>For a list of those mandated to report click here.</p>
Western Australia	Children and Community Services Act 2004 (WA)	<p>A person who is concerned about a child's wellbeing may make a report to authorities</p> <p>More information, including reporting pathways can be found here.</p> <p>Persons who fall into the mandatory reporting category must report physical and sexual abuse, psychological harm, and neglect.</p> <p>For a list of those mandated to report click here.</p>