



Title: Child Protection Policy

Purpose

The purpose of this policy is to:

1. Identify safeguards to ensure an organisational culture of child safety and wellbeing taking into account cultural safety;
2. Ensure that all parties are aware of their responsibilities for identifying any circumstances of child abuse by CREATE employees, volunteers, and contractors, for establishing controls and procedures for preventing such abuse and for ensuring appropriate procedures are undertaken to investigate, report on and notify authorities if there is reasonable belief that a child or young person is being harmed or at risk of harm while engaging in programs with CREATE Foundation;
3. Provide guidance of action that should be taken where concerns have been raised in relation to child abuse in the workplace and that timely and adequate reporting occurs;
4. Confirm an organisational commitment that all suspected child abuse by CREATE employees, volunteers, and contractors will be reported, investigated and responded to both as part of internal disciplinary processes and reporting to appropriate authorities such as police and child protection agencies.;
5. Provide guidance on the appropriate course of action where self-harm or suicidal ideation by a child or young person is suspected or reported.

Policy Statement

CREATE Foundation is committed to promoting and protecting the interests and safety of children and young people. CREATE has zero tolerance for child abuse. Board members, employees, contractors and volunteers at CREATE Foundation are responsible for the care and protection of children and young people and for reporting information about child abuse.

This policy applies to all children and young people aged up to and including 25 years, and is designed to guide the Board, employees, volunteers and contractors in the event a CREATE agent is suspected of abuse (physical and emotional) of a child or young person.

Note: When children and young people disclose abuse and/or neglect that is external to CREATE (not perpetrated by the Board, employees, volunteers and contractors), refer to the Disclosure Management Policy.

Authority

Children and Young People Act 2008 (ACT)

Children and Young Persons (Care and Protection) Act 1998 (NSW)

Care and Protection of Children Act 2007 (NT)

Child Protection Act 1999 (QLD)

Children and Young People (Safety) Act 2017 (SA)

Children, Young Persons and their Families Act 1997 (as amended 2009) (TAS)

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Children, Young Persons and their Families Amendment Act 2013

Children, Youth and Families Act 2005 (VIC)

Children and Community Services Act 2004 (WA)

Principles

- CREATE is committed to promoting and protecting at all times the best interests of children and young people involved in its programs and activities;
- CREATE adopts and applies the National Principles for Child Safe Organisation through creating a child safe culture, adopting strategies, and acting to promote child wellbeing and preventing harm to children and young people;
- All children and young people, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from abuse;
- CREATE has zero tolerance for child abuse;
- Child protection is a shared responsibility for the Board, employees, contractors and volunteers;
- CREATE is committed to providing a physically, psychologically, culturally, and emotionally safe and supportive environment for all children and young people, employees, and volunteers;
- CREATE is committed to the cultural safety of Aboriginal and Torres Strait Islander children, adopting Queensland's Universal Principle of creating culturally safe environments for Aboriginal and Torres Strait Islander children across all jurisdictions.
- CREATE is committed to the safety and inclusion of all children and young people including those from culturally and/or linguistically diverse backgrounds, those with disability and neurodivergence, and gender and sexually diverse children and young people.
- CREATE has a "no card = no work" policy. All Board members, employees, volunteers and contractors must have current Security Check for their relevant state upon commencement of employment. It is the responsibility of each individual staff member to ensure the checks remain current. HR will send reminders as per the Security Check Policy. Employment can be suspended if the check is not current. Refer to Security Check Policy and Practice Guide.

Definitions

Child protection refers to any responsibility, measure, or activity undertaken to safeguard children and young people from harm.

Child abuse indicates all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (i.e., for financial gain) or other exploitation of a child, and can include any actions that result in actual or potential harm to a child.

CREATE Agent this refers to Board members, employees and volunteers.

Contractor refers to a person who provides contracted services for the CREATE Foundation, for a period of time stipulated within a contract and has direct contact with children and young people.

Harm to a child is any action or experience that can adversely affect the child's physical, psychological, or emotional wellbeing.

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children and young people in looking at pornographic material, or in the production of pornographic material, or watching sexual activities, or encouraging children and young people to behave in sexually inappropriate ways.

Senior Managers refer to the CEO, Finance Manager, Operations Manager, Business Administration Manager, and Marketing and Communications Manager.

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Reasonable grounds for belief can be said to occur when a belief is formed, based on reasonable grounds, that child abuse has occurred, when all known considerations or facts relevant to the formation of the belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a reasonable person believes that:

- (a) The child is in need of protection; or
- (b) The child has suffered or is likely to suffer “significant abuse”.

A “reasonable belief” or “reasonable grounds for belief” is not based on the same standards as having proof, but it is more than mere rumour or speculation.

A “reasonable belief” is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a “reasonable belief” might be formed if:

- (a) A child states that they have been abused;
- (b) A child states that they know someone who has been abused (sometimes the child may be talking about themselves);
- (c) Someone who knows a child states that the child has been abused;
- (d) Professional observation of the child’s behaviour leads an employee to form a belief that the child has been abused;
- (e) Signs of abuse lead to a belief that the child has been abused.

Responsibilities

1. The Board of CREATE Foundation has ultimate responsibility for ensuring that processes are in place to identify, record, and action appropriately any behaviours that are abusive and cause harm or significant risk of harm of children, perpetrated by CREATE employees, volunteers, or contractors.
2. The CEO of CREATE Foundation is responsible for:
 - Investigating reports of child abuse that involve CREATE employees, volunteers or contractors;
 - Ensuring that processes are in place to inform all employees, volunteers, and contractors of relevant organisational policies and procedures;
 - Ensuring that processes are in place and that records are kept to demonstrate that employees, volunteers, and contractors are aware of organisational policies, guidelines, and practice guides relating to their obligation to report suspected abuse of a child;
 - Ensuring that processes are in place to inform all employees, volunteers, and contractors of their obligation to observe CREATE’s Code of Conduct (particularly as it relates to child safety) and where not followed appropriate action is taken.
3. Managers are responsible for ensuring that appropriate and effective internal processes are in place to detect and report child abuse; complying with investigation processes; and implementing appropriate courses of action to ensure the safety and wellbeing of children and young people accessing CREATE’s programs and activities.
4. The Chief Executive Officer, Senior Managers, State Program and Engagement Coordinators

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(SPECs), and Senior Program Facilitators must ensure they:

- Promote child safety at all times;
- Are familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct;
- Assess the risk of child abuse within their area of control and remove any risk to the extent possible;
- Educate employees, volunteers, and contractors about the prevention and detection of child abuse;
- Facilitate the reporting of any inappropriate behaviour or suspected abusive activities; and
- Comply with any investigation.

Recruitment and selection of new Board members, employees, contractors and volunteers

CREATE undertakes a comprehensive recruitment and screening process for all potential employees and volunteers, which aims to:

- Promote and protect the safety and wellbeing of all children and young people for whom the organisation has a duty of care;
- Identify the most suitable people who share CREATE's values and commitment to protect children and young people; and
- Prevent a person from working at CREATE if they pose a risk to children or young people.

CREATE requires potential Board members, employees and volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement. CREATE requires applicants to undertake a Security Check in accordance with the relevant jurisdiction's requirements before they commence working at CREATE according to the Recruitment and Selection Policy and Security Check Policy and Practice Guide. In addition to security check clearance, CREATE will undertake two thorough reference checks for all new employees before commencement.

During induction, Board members, employees and volunteers will be provided a copy of this policy and, before commencing work, will be required to sign a form acknowledging their receipt of the policy, and giving an indication that they have read and understood the document, and that they are familiar with their responsibilities.

All employees receive regular supervision that includes a focus on developing their awareness of, and responses to child safety matters. Employees are supported to reflect on how they interact with young people in their care. They also have access to CREATE's Employment Assistance Program (EAP) which provides opportunities for counselling and debriefing.

Employees who work directly with children and young people will receive training in child safe principles, responding to disclosures of abuse both from a CREATE agent and adults external to CREATE, and following the complaints processes.

CREATE implements performance development practices including regular informal and formal catch-ups, supervision, professional development support, and an Annual Review for all employees. These practices provide mechanisms to reinforce employees' responsibilities in relation to the protection and care of children and young people in their day-to-day activities, and to support them to identify and address any concerns immediately.

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Duty of Care

CREATE is a systemic advocate however acknowledges that we have a duty of care to children and young people. In the course of our work, children and young people may reveal they have thoughts of/or have self-harmed or are considering suicide or require a response from a CREATE employee that should be noted for future risk assessment and responses to individual needs.

CREATE will exercise its duty of care by determining the child or young person's support network and referring the child or young person to an appropriate support person or service provider.

The Duty of Care form assists in guiding the CREATE employee to the appropriate service and must be filled out upon notification of suspected self-harm. Where a CREATE volunteer or contractor suspects or receives a report of self-harm or suicidal ideation from a child or young person, they are to refer the child or young person to a CREATE employee to follow the appropriate process.

Risk Management

CREATE will ensure that child safety is a part of its overall risk management approach, and the strategies outlined in this and accompanying documents represent CREATE's approach to maintaining a child safe environment.

CREATE's Senior Managers are committed to identifying and managing risks at CREATE and recording them through the Risk Register, the contents of which are reported regularly to the CEO and the Board.

State Program and Engagement Coordinators are responsible for ensuring that child-related risks are identified and properly managed through their activity-level risk assessments.

CREATE provides a safe working environment and safe systems of work. In offices and during activities, CREATE aims to provide an environment in which children and young people feel physically, emotionally, and culturally safe.

CREATE recognises the important role that formal complaints processes play in creating a safe environment. CREATE makes children and young people aware of its complaints and feedback mechanisms that are age and developmentally appropriate and managed according to policy.

If a child or young person identifies an abusive activity at a CREATE event by another child or young person and the matter is found to be substantiated, a risk management strategy must be drawn up for that child before they can participate in further activities and be approved by the Chief Executive Officer.

Reporting

This relates to reporting abuse suspected to have been perpetrated by CREATE employees, volunteers, or contractors.

Any employee, volunteer, or contractor who has grounds to suspect, or has witnessed inappropriate abusive behaviour towards a child or young person by a CREATE employee, board member, volunteer or contractor, and believes that the child or young person is at **immediate** risk of harm, must immediately report their concerns to the State Program and Engagement Coordinator or National Manager who will inform the CEO. The CEO will then consider the appropriateness and timing of conducting an internal investigation whilst also reporting to the relevant child protection authority and/or the police.

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The National Manager, responsible for advising the CEO of the incident, must provide the CEO with a Critical Incident Report form as per the Incident Reporting Policy.

In situations where the State Program and Engagement Coordinator or National Manager is suspected of involvement in the abusive activity, the matter must be immediately reported to the CEO and HR within 24 hours. The CEO will review the situation and consult appropriate industrial relations agencies to determine if disciplinary action or remedial action is required.

Up-to-date contact details for the statutory child protection authority with responsibility for receiving and responding to reports of child abuse can be found here: <https://aifs.gov.au/cfca/publications/cfca-resource-sheet/reporting-child-abuse-and-neglect>

Investigating

This relates to investigating abuse suspected to have been perpetrated by CREATE employees, contractors or volunteers.

For matters in which the child or young person is deemed at **immediate risk** and referred to the child protection service and/or the police, all employees, volunteers and contractors, must cooperate fully with an investigation if deemed necessary by the child protection service or police.

For matters that do NOT pose immediate risk to a child or young person, and upon the State Program and Engagement Coordinator or National Manager receipt of an Incident Report, if a breach of the Code of Conduct is identified, a formal disciplinary process should be commenced whilst the matter is investigated fully.

Whether or not the authorities decide to conduct an investigation, the CEO will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any action of the authorities, the CEO may decide to conduct such an investigation. All employees, volunteers and contractors must cooperate fully with the investigation. Any such investigation will be conducted according to the rules of natural justice and following the Performance Development Policy informed by the Code of Conduct.

Responding

If the investigation concludes that, on the balance of probabilities, an offence (or a breach of the organisation's policies or Code of Conduct) has occurred, then disciplinary action will follow that could result in termination of employment. The findings of the investigation will be reported to any external body as required.

Privacy

All personal information related to the investigation is confidential and shall be kept in accordance with the Privacy Management Policy.

Review

CREATE Foundation reviews all policies according to its review schedule; this policy may be reviewed more frequently if legislation, reporting requirements, or child protection standards change.

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Links

- [Child Protection Practice Guide](#)
- [Code of Conduct](#)
- [Code of Ethics](#)
- [Confidentiality Agreement](#)
- [Disclosure Management Policy](#)
- [Duty of Care Form](#)
- [Incident Reporting Policy](#)
- [Performance Development Policy and Guideline](#)
- [Privacy Management Policy](#)
- [Risk Management Policy](#)
- [Recruitment and Selection Policy](#)
- [Security Check Policy](#)

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