

## **KIDNEY KIDS & YOUTH SAFEGUARDING FRAMEWORK**

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### **1. Kidney Health Australia's Policy Statement and Commitments**

#### **1.1 Introduction**

Kidney Health Australia considers that the safety and wellbeing of Children and Young People under the age of 18 years of age (**Kidney Kids & Youth**) is of paramount importance. We want our Kidney Kids and Youth (**Kids & Youth**) and all people participating in our Kidney Health Australia activities and services to thrive in an inclusive, safe and nurturing environment.

This Kidney Kids & Youth Safeguarding Framework (**Framework**) outlines the expectations and required standards of behaviour and practice by Kidney Health Australia:

- employee;
- contracting staff members;
- Board Members;
- planned and/or regular volunteers who are likely to have direct contact with Kids & Youth (**Volunteers**); and
- interns and/or trainees who are likely to have direct contact with Kids & Youth (collectively, "**Kidney Team Members**").

It also applies to Registered Participants, in undertaking their role(s) or participating in Kidney Health Australia activities, events, programs and/or initiatives and specifically, when interacting with Kids & Youth.

#### **1.2 Contents of Framework**

The Framework sets out the processes and procedures to undertake to keep Kids & Youth safe, as well as how to respond to and report any concerns regarding the safety or wellbeing of Kids & Youth. It applies at all times and in both physical and online environments. It contains:

- a) Kidney Health Australia's commitments to safeguarding Kids & Youth;
- b) Roles and responsibilities in safeguarding Kids & Youth;
- c) The behavioural standards that are expected when dealing with Kids & Youth as set out in the Kidney Code of Conduct for dealing with Kids & Youth;
- d) Recruitment and screening requirements;
- e) Responding to and reporting child safeguarding concerns; and
- f) Definitions.

Kidney Health Australia is committed to:

- a) fostering a safe, welcoming and respectful environment for Kids & Youth in everything we do;
- b) respecting the rights of Kids & Youth to develop to their full potential;
- c) providing Kids & Youth with access to information, support and complaints processes relating to their wellbeing;

- d) involving Kids & Youth and their parents and carers in how we keep Kids & Youth safe from Harm and Abuse;
- e) ensuring that any actual or suspected Harm or Abuse to Kids & Youth is promptly and appropriately addressed and managed;
- f) maintaining and improving our policies, procedures and practices to keep Kids & Youth safe from Abuse and Neglect;
- g) monitoring our physical and online environments to reduce the risk of Harm or Abuse to Kids & Youth;
- h) monitoring Kidney Team Members, Registered Participants and external providers to ensure that their behaviour, actions and conduct is appropriate and in line with Kidney Health Australia's policies and Kidney Code of Conduct for dealing with Kids & Youth;
- i) recruiting and screening our Kidney Team Members in line with our Recruitment, Screening and Induction requirements set out in Section 4 of this document; and
- j) providing appropriate induction, training and access to policies, procedures and other information relevant to safeguarding Kids & Youth to all Kidney Team Members, Registered Participants and other people who request our policies from time to time.

Every single Kidney Team Member is responsible for the safety and wellbeing of Kids & Youth who engage with Kidney Health Australia. We rely on our Kidney Team Members to ensure that:

- Kids & Youth are safe from risk of all forms of Harm, Abuse and Neglect;
- We build and continually evolve a Kids & Youth-safe culture that is inclusive, respectful and empowers Kids & Youth with disease, disability and Kids & Youth from indigenous and/or culturally or linguistically diverse backgrounds; and
- We treat each other with respect and support each other when needed.

## 2. Responsibilities

### a) Kidney Health Australia Board of Directors

The Kidney Health Australia Board of Directors is responsible for:

- Ensuring that appropriate policies and practices are in place to minimise the risk of Harm to Kids & Youth caused by actual or potential Abuse or Neglect;
- Understanding and acting in accordance with this policy;
- Disclosing any criminal convictions to Kidney Health Australia prior to their appointment with Kidney Health Australia and during the course of their tenure with Kidney Health Australia;
- Maintaining positive Working with Children Checks (or equivalents) in the appropriate jurisdiction(s) for their role;
- Obtaining a National Police Check and providing that to Kidney Health Australia on appointment to their role;
- Attending induction and training as directed in relation to safeguarding Kids & Youth;
- Appropriately responding to and/or reporting any suspicions of Kids & Youth being at actual or potential risk of Significant Harm from Abuse, including in accordance with the mandatory reporting requirements in place in the jurisdiction(s) in which they reside and/or perform their role(s);
- Promoting best practice in child safeguarding and compliance with this policy.

**b) Chief Executive Officer (CEO)**

The CEO is responsible for:

- Ensuring that appropriate policies and practices are in place and updated as appropriate to protect Kids & Youth from Harm caused by actual or potential Abuse;
- Understanding and acting in accordance with this Framework;
- Disclosing any criminal convictions to Kidney Health Australia prior to their appointment with Kidney Health Australia and during the course of their employment with Kidney Health Australia;
- Maintaining positive Working with Children Checks (or equivalents) in the appropriate jurisdiction(s) for their role;
- Obtaining a National Police Check and providing that to Kidney Health Australia on appointment to their role;
- Ensuring that the Kidney Health Australia Team can act in accordance with this policy and fulfil their responsibilities in relation to keeping Kids & Youth safe;
- Attending induction and training as directed in relation to safeguarding Kids & Youth;
- Appropriately responding to and/or reporting any suspicions of Kids & Youth being at actual or potential risk of Significant Harm from Abuse, including in accordance with the mandatory reporting requirements in place in the jurisdiction(s) in which they reside and/or perform their role(s);
- Co-operating with State and/or Territory authorities when investigating and/or acting on Child Abuse concerns;
- Managing media inquiries relating to actual or suspected Child Abuse; and
- Promoting best practice in child safeguarding and compliance with this Framework.

**c) Kids & Youth Safeguarding Officer(s) (KSO(s))**

Kidney Health Australia will ensure that there are at least two Kids & Youth Safeguarding Officers (**KSOs**) appointed for the organisation at any time. At least one KSO must be an employee of Kidney Health Australia. Unless otherwise agreed and/or role titles change, Kidney Health Australia's KSOs are the:

- Community Programs & Services Manager;
- Consumer Engagement Manager &
- Community Programs Coordinator.

The KSOs are responsible for:

- Understanding and acting in accordance with this Framework;
- Maintaining positive Working with Children Checks (or equivalents) in the appropriate jurisdiction(s) for their role(s);
- Obtaining a National Police Check and providing that to Kidney Health Australia on appointment to their role;
- Assisting the CEO to meet the responsibilities outlined in Section 2(b) of this document;
- Promoting best practice in safeguarding Kids & Youth and compliance with this Framework, including the establishment and maintenance of systems and processes to regularly (at least annually) and reasonably review the status of requirements such as:
  - Working with Children Checks;
  - Consent Forms; and
  - Up-to-date medical information for Kids & Youth as needed .

- Alerting the CEO to any concerns of which they are made aware in relation to the safety of any Child or Young Person;
- Ensuring that appropriate recruitment, induction, screening and training is arranged and undertaken by all Kidney Team Members;
- Ensuring that appropriate event-based risk management assessments occur to ensure the safety of Kids & Youth; and
- Appropriately responding to and/or reporting any suspicions of Kids & Youth being at actual or potential risk of Significant Harm from Abuse, including in accordance with the mandatory reporting requirements in place in the jurisdiction(s) in which they reside and/or perform their role(s).

#### **d) Other Kidney Team Members**

Every other Kidney Team Member is responsible for:

- Understanding and acting in accordance with this Framework;
- Promoting best practice in safeguarding Kids & Youth and compliance with this Framework;
- Maintaining positive Working with Children Checks (or equivalents) in the appropriate jurisdiction(s) for their role(s);
- Obtaining a National Police Check and providing that to Kidney Health Australia on appointment to their role if they are employees or contracted staff of Kidney Health Australia;
- Attending induction and training as directed in relation to safeguarding Kids & Youth;
- Ensuring that any external providers of services to Kidney Health Australia involving Kids & Youth are aware of Kidney Health Australia's policies and expectations in keeping Kids & Youth safe in Kidney Health Australia's care;
- Disclosing any criminal convictions to Kidney Health Australia prior to their appointment with Kidney Health Australia and during the course of their employment and/or tenure in a role with Kidney Health Australia; and
- Appropriately responding to and/or reporting any suspicions of Kids & Youth being at actual or potential risk of Significant Harm from Abuse, including in accordance with the mandatory reporting requirements in place in the jurisdiction(s) in which they reside and/or perform their role(s).

#### **e) Registered Participants**

Registered Participants include adults and Kids and Youth who have formally registered in writing to participate in Kidney Health Australia's events, programs, services and/or initiatives. It includes Kids and Youth who:

- i. have written parental consent to be a Registered Participant where Kids & Youth are aged 16-17 years;
- ii. have parental supervision in being a Registered Participant where Kids & Youth are aged under 16 years.

Registered Participants aged 16 years or over are responsible for:

- Understanding and acting in accordance with this Framework;

- Promoting best practice in safeguarding Kids & Youth and compliance with this Framework;
- Where directed by Kidney Health Australia, attending induction and training in relation to safeguarding Kids & Youth; and
- Appropriately responding to and/or reporting any suspicions of Kids & Youth being at actual or potential risk of Significant Harm from Abuse, including in accordance with the mandatory reporting requirements in place in the jurisdiction(s) in which they reside.

### **3 Kidney Code of Conduct for dealing with Kids & Youth**

Kidney Health Australia has ongoing and non-negotiable expectations and required standards of behaviour and practice for all of its Kidney Team Members in undertaking their role(s) and specifically, when interacting with Kids & Youth in both physical and online environments.

We ask that every Kidney Team Member commits to the standards of behaviour and conduct below by reading and understanding the Kidney Code of Conduct for dealing with Kids & Youth, asking questions of Kidney Health Australia staff and/or other Kidney Team Members if unsure, as well as signing the Kidney Code of Conduct for dealing with Kids & Youth Declaration.

In addition, Kidney Health Australia has specific guidelines and procedures for activities and services that it provides that involve overnight stays. All Kidney Team Members should read and understand the documents relevant to, for example, the National Kidney Kidney Kids Camp, should they be involved in such a service or activity.

## **4 Recruitment, Screening and Induction at Kidney Health Australia**

### **4.1 General Processes:**

To ensure that we keep Kids & Youth safe in our events, activities, programs and/or initiatives, Kidney Health Australia undertakes a thorough recruitment and screening process for all Kidney Team Members that includes:

- a) Statements of Kidney Health Australia's commitment to the safety and wellbeing of Kids & Youth, as well as our recruitment and screening requirements in our role advertisements, position descriptions and other recruitment documents;
- b) Asking questions of applicants in our interview process(es) about their experience in working with Kids & Youth if their role will work or is likely to have direct contact with Kids and Youth;
- c) Requiring all applicants to provide:
  - i. A current, positive Working with Children Check (or equivalent) to be obtained at the applicants' own cost;
  - ii. Where appropriate, proof of qualifications if they have stated in their applications that they have qualifications that are relevant to the role(s) for which they are applying;
- d) Requiring all Board Members, employees and contracting staff to obtain and provide a National Police Check at their own cost upon joining Kidney Health Australia;
- e) Validating Working with Children Checks (or equivalents) with the relevant authorities and storing those records securely;

- f) Including reference to safeguarding Kids & Youth responsibilities in Kidney Health Australia position descriptions as appropriate, particularly where Kidney Team Members have regular interactions – either online or in person – with Kids & Youth in their roles (eg, KSOs, Media & Marketing Coordinator, etc).
- g) Conducting interview(s) either in-person or via video link where possible, in preference to phone interviews;
- h) Where possible, conducting at least one and preferably two reference checks with listed applicant referees, including asking questions about applicants’ previous experience of working with Kids & Youth and why they left their roles for which they were working for, or with, their referees; and
- i) Conducting appropriate training and induction for all Kidney Team Members upon commencement with Kidney Health Australia and throughout their tenure as Kidney Team Members.

#### **4.2 Working with Children Checks and Police Checks Generally**

Kidney Health Australia operates in and sometimes across all Australian jurisdictions. Each Australian jurisdiction has its own legislated screening scheme for undertaking checks to assess a person's suitability to work or interact with Children or Young People – generally, ‘Working with Children’ or equivalent checks. Further information regarding the operation of Working with Children Checks can be obtained from the relevant authorities or KSO’s.

Accordingly, our recruitment procedures require that Police and Working with Children (or equivalent) checks be obtained for all applicants (including all applicants who are Children or Young People) who are to be offered or have accepted a position with Kidney Health Australia. Such checks must be obtained at the applicants’ own cost.

Whilst Working with Children Check (or equivalent) document must be obtained and stored by Kidney Health Australia, Police Checks must be sighted, a reference number obtained and recorded by Kidney Health Australia and then provided back to the applicant. For clarity, Kidney Health Australia must not store Police Checks for any Kidney Team Member.

Any applicant who refuses to obtain background and screening checks must not be employed or appointed by Kidney Health Australia.

The Kidney Team Member that is responsible for recruiting must either verify with the appropriate screening authority or, if the information cannot be verified through the appropriate authority, sight a copy of the applicable ‘Working with Children Check’ or equivalent documentation and record relevant details using a ‘Working with Children Check Record’.

Unless the law provides otherwise, all Kidney Team Members must have a satisfactory Working with Children Check (or equivalent) in the appropriate jurisdiction in which they spend the majority of their working time. Kidney Team Members are also personally responsible for ensuring that their checks are kept current throughout their employment or tenure with Kidney Health Australia.

In addition:

- Kidney Health Australia Board Members, employees and contracting staff must obtain and provide a National Police Check upon commencement of their role with Kidney Health Australia and on request throughout their tenure; and

- applicants may also be required to satisfy a number of background checks at the commencement of, and in some cases during the time in which they hold their role(s) with Kidney Health Australia. These include (but are not limited to) the following:
  - a National Police Check;
  - a signed Statutory Declaration;
  - at least one or preferably two reference checks; and/or
  - any other relevant background checks to assess a person's suitability to work with Kids & Youth.

Whenever possible and subject to the laws of each relevant jurisdiction (such as Queensland, in which you are NOT permitted to commence a role working with children without a Blue Card), no applicant is to be offered a position with Kidney Health Australia until after completion of the relevant background and screening checks. When this is not possible, appointment of that person must be contingent upon Kidney Health Australia receiving a satisfactory background and screening check. At a minimum, the potential Kidney Team Member must have completed the application documentation for the relevant Working with Children Check and/or background check and Kidney Health Australia must sight that application documentation prior to the commencement date of that person's position.

Where possible, an applicant who has resided in an overseas country for 12 months or more in the last 10 years must contact the relevant overseas authority to obtain a criminal or police record check and, where Working with Children Check equivalent schemes exist, records of that check.

#### **4.3 Maintaining and Auditing Screening Records**

In line with Kidney Health Australia's Privacy Policy, confidential information will be stored securely and appropriately, with primary responsibility for record keeping and maintenance of screening records held by Kidney Health Australia's delegated KSOs.

Kidney Health Australia's delegated KSO will also ensure that screening records are audited on a regular basis to ensure that all Kidney Team Members hold valid Working with Children Checks and Police Checks at all times.

#### **4.4 Prohibited Persons**

Kidney Health Australia will not engage any person as a Kidney Team Member in any capacity or will cease their employment or appointment with Kidney Health Australia if that person has been identified as a "prohibited person" under the screening scheme of any State or Territory in Australia.

#### **4.5 Inconclusive Screening**

In the event that a Working with Children Check and/or Police Check (or equivalents) returns with results other than a clear validation number or positive outcome (ie, a pending or actual criminal history) this fact must be immediately disclosed to the CEO or KSO of Kidney Health Australia who will determine appropriate next steps. Next steps may include refusing to carry out a new appointment to a Kidney Health Australia role, standing a Kidney Team Member down from their role, obtaining appropriate legal advice and/or termination of employment and/or appointment.

## 5 Responding to and Reporting Concerns involving Kids & Youth

### 5.1 Introduction

Kidney Health Australia requires all Kidney Team Members to identify, appropriately respond to and report to relevant authorities any concerns about actual or potential risk of Significant Harm to Kids & Youth in Kidney Health Australia's activities, events, programs and/or activities by reason of Abuse or Neglect by any other person.

**If any Kids & Youth in Kidney Health Australia's activities or services are at immediate risk of actual or potential Significant Harm or are in imminent danger, you MUST:**

- **contact a KSO where possible, or the a senior Kidney Team Member; and/or**
- **call police on 000 and report the concern or incident.**

The safety and wellbeing of Kids and Youth is paramount and should be prioritised in situations in which competing interests or priorities exist.

**A summarised flowchart of what to do if there are concerns about the safety and wellbeing of Kids and Youth is provided at section 5.12 below.**

Responding to and reporting any concerns about the safety and wellbeing of Kids & Youth in Kidney Health Australia's events, programs and/or activities should be done respectfully, discretely (where possible) and making all attempts to protect the privacy and confidentiality of those persons involved, unless required by law, Kidney Health Australia policies or if necessary to appropriately manage or respond to a concern or complaint regarding the safety or wellbeing of Kids and Youth.

You MUST appropriately respond to and report (to a KSO or senior Kidney Team Member and external authorities if necessary) any concerns or complaints that constitute a **Reasonable Belief** that a Child or Young Person has suffered, or is at risk of suffering actual or potential **Significant Harm**. This means that another person in the same or similar position would hold the same or similar concerns that Significant Harm has - or could - occur. "**Significant**" means more than trivial or insignificant, but need not be serious and need not have a permanent or lasting effect.

### 5.2 What should be reported to Kidney Health Australia?

- a) Any behaviour or conduct that doesn't seem or feel right or appropriate towards or for Kids & Youth, regardless of how minor or trivial the behaviours or conduct appears. That's because you may not know what else other people may have noticed or felt uncomfortable about, so all pieces of information help us to keep Kids & Youth safe.
- b) Any breach of the Kidney Health Australia Code of Conduct for dealing with Kids & Youth, regardless of how minor or trivial a breach may appear, including their own breaches or those of others.
- c) Any Reasonable Belief that you or others have of suspected Grooming behaviours;
- d) Any Reasonable Belief as to actual or suspected Abuse of Kids & Youth that has – or has the potential to cause Significant Harm to Kids & Youth, including sexual, physical, emotional or psychological Abuse, Family Violence and Neglect, including where this is occurring outside of Kidney Health Australia's events, programs, activities and/or initiatives. This includes if:



- i. You have a Reasonable Belief or suspicion of actual or suspected risk of Abuse or Neglect of Kids & Youth;
- ii. A Child or Young Person tells you either that they – or other Kids & Youth - have been Abused or are concerned about being Abused or Neglected;
- iii. Someone else tells you about their concerns as to their Reasonable Belief(s) of actual or suspected risk of Abuse of a Child or Young Person.

### 5.3 How do I respond and/or report?

Kidney Health Australia will provide guidance and training on what to do if you have concerns about Kids & Youth at risk of, or who have suffered, Significant Harm as a result of Abuse. Our general advice is to trust your instincts and:

- a) Take reasonable steps to protect Kids & Youth and others at risk of Significant Harm.
- b) Tell a KSO or other senior Kidney Team Member about your concern. Please do so as discretely as possible, respecting the privacy and confidentiality of those involved.
- c) Call Police on 000 if any Child or Young Person is in immediate danger or at risk of imminent Significant Harm.
- d) Try to remain calm and non-judgmental.
- e) Disregard factors such as the authority or position of the person(s) involved and any pre-existing views as to their character or otherwise.
- f) Listen to any person disclosing concerns to you and ensure that you are in as private a place as possible, subject to supervision requirements for interacting with Kids & Youth.
- g) If appropriate, gather information and/or ask questions of those persons involved and/or disclosing concerns or complaints (eg, who, what, when, where, how, why and what do they want to happen next). Gather contact details and consent to disclose to appropriate and/or more senior Kidney Team Members if you can.
- h) If mandatory reporting obligations apply (depending on your profession and the jurisdiction in which you are in), call the appropriate authorities in your jurisdiction. This may be done in consultation with a KSO or more senior Kidney Team Member.
- i) If a Child or Young Person is disclosing something of concern to you, please:
  - Believe and support the Child or Young Person;
  - Reassure them that they have done the right thing by talking to you;
  - Don't promise secrecy or other promises you can't keep, particularly when concerns of Abuse or Neglect must be reported in line with legislation and Kidney Health Australia policies;
  - Don't push the Child or Young Person to give more details of the alleged Abuse or Neglect than they are able to provide;
  - Note or record what the Child or Young Person said on the Kidney Health Australia Child Safe Concern Form in their own words as much as possible; and
  - Explain what might need to happen next (ie, telling another trusted adult to help them).

### 5.4 Who should I report concerns or incidents to?

Kidney Health Australia has a **Kids & Youth Safeguarding Officer (KSO)** for all events, programs and/or activities that involve Kids & Youth. You will be notified as to who the KSO is during Kidney

Health Australia induction and prior to undertaking any Kidney Health Australia events, programs and/or activities that involve Kids & Youth.

### **5.5 What happens after concerns or complaints are reported?**

The Kidney Health Australia KSO or more senior Kidney Team Member will discretely and appropriately either gather more information and/or escalate the matter to appropriate senior Kidney Team Member, which may include the General Manager of Marketing and Community and/or the Chief Executive Officer of Kidney Health Australia.

Appropriate next steps will be determined by Kidney Health Australia and taken, depending on the circumstances of the concern or incident involved. This may include undertaking an investigation (see Section 5.9 below), reporting the matter to Police and/or other relevant authorities.

If you have any questions or concerns, please ask the Kidney Health Australia KSO or an appropriate senior Kidney Team Member. They may not be able to provide further details depending on the circumstances involved. However, they will always be very appreciative of assistance from any Kidney Team Members to keep our Kids & Youth safe.

### **5.6 Confidentiality**

In accordance with Kidney Health Australia's Privacy Policy, information relating to any actual or suspected Abuse of a Child or Young Person must be treated as confidential. Kidney Health Australia will only inform those persons internally who are either involved in the matter (thereby affording persons accused of allegations with procedural fairness), such as the KSO, CEO and any necessary Kidney Health Australia Board Members, unless appropriate disclosure is:

- a) required by law;
- b) necessary to conduct further inquiries and assess risk to Kids & Youth; and/or
- c) appropriate to protect the safety and wellbeing of Kids & Youth.

### **5.7 Failure to Report**

Failure to report concerns or allegations of actual or suspected Harm or Abuse to Kids & Youth is viewed as serious misconduct and may result in disciplinary action or termination of employment or appointment with Kidney Health Australia.

### **5.8 Vexatious Complaints or Reports**

Vexatious, frivolous or baseless reports or complaints about persons involving Kids & Youth will not be tolerated by Kidney Health Australia. Kidney Health Australia reserves the right to take disciplinary or other appropriate action against any person making a vexatious, frivolous or baseless report or complaint. This may include, but is not limited to termination of employment or appointment, sending someone home from one of its events, programs, activities or initiatives or removing someone from a particular duty or situation.

### **5.9 Kidney Health Australia Investigations**

Upon receiving any complaint or concern regarding the safety and wellbeing of Kids & Youth, the Kidney Health Australia CEO may determine that it is appropriate for Kidney Health Australia to conduct an investigation to understand more about the matter and conduct further inquiries.

This may be necessary to assess the risk to Kids & Youth and/or other persons and make a determination as to appropriate interim or disciplinary measures.

Kidney Health Australia will seek and act on legal and/or other expert advice when conducting its own investigation.

If a criminal investigation is in progress, Kidney Health Australia will consult with Police and/or authorities to check the appropriateness of commencing or continuing an investigation and act in accordance with directions and/or advice from authorities and/or Kidney Health Australia's legal counsel.

In circumstances in which Police have investigated a serious allegation of Abuse involving Kids & Youth but the matter has been discontinued, Kidney Health Australia will conduct their own investigation of the concern in any event. This is because the criminal standard of proof (eg, "beyond reasonable doubt") is higher than the general or civil standard of proof that should be applied to investigations, that is whether an allegation is substantiated, not substantiated, inconclusive or vexatious "on the balance of probabilities".

When conducting an investigation, Kidney Health Australia will, as appropriate:

- a) consider whether it is appropriate to appoint an external or internal investigator to lead an investigation to provide input and/or recommendations to Kidney Health Australia concerning the concern or complaint. An investigator should not have a conflict of interest and should have appropriate qualifications, training or experience to investigate the allegations raised in the concern or complaint;
- b) inform the Respondent to the concern or complaint in writing and/or face to face, that a concern or complaint has been received, detail the allegations made and next steps in the investigation process, state any interim safety measures that will or have been put in place (eg, standing down an employee or Volunteer from their position) and provide information regarding confidentiality;
- c) interview the complainant(s) and make record of the interview – preferably an audio recording for the purposes of the investigation only, where appropriate consent has been provided;
- d) interview the respondent to the concern or complaint and make record of the interview – preferably an audio recording for the purposes of the investigation only, where appropriate consent has been provided;
- e) afford the respondent an opportunity to respond to the allegations within a reasonable timeframe;
- a) seek out and interview other witnesses or involved persons in the complaint or concern to gather further information where appropriate and/or there is conflicting information;
- b) communicate and provide updates about any complaint or concern made to relevant and appropriate people/groups;
- c) seek to offer guidance to obtain support and/or arrange support for those involved in the concern or complaint; and
- d) communicate the finding and/or outcome of any investigation (in summary form) to appropriate persons involved in the concern or complaint, including any disciplinary measures that Kidney Health Australia has determined are appropriate in the circumstances. The finding should be either that:

- i. the complaint or concern is substantiated (there is sufficient evidence to support the complaint);
- ii. there is insufficient evidence either way;
- iii. the complaint or concern is unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
- iv. the complaint or concern is mischievous, vexatious or knowingly untrue.

The outcome of an investigation may include appropriate disciplinary action, no further action or other outcomes at the discretion of the Kidney Health Australia CEO and in accordance with Kidney Health Australia's legal and/or other expert advice.

#### **5.10 Storage of Kids & Youth Safeguarding Concern Documentation**

Any documentation associated with an allegation of actual or potential Child Abuse will be stored securely by Kidney Health Australia, with access to those records limited to the Kidney Health Australia CEO, KSO(s) and the minimum number of Kidney Health Australia employees as deemed necessary and appropriate by the Kidney Health Australia CEO.

#### **5.11 Support for Persons Involved in a Kids & Youth Safeguarding Concern**

Where possible, Kidney Health Australia will endeavour to make arrangements to support all persons involved in a safeguarding concern involving Kids & Youth.

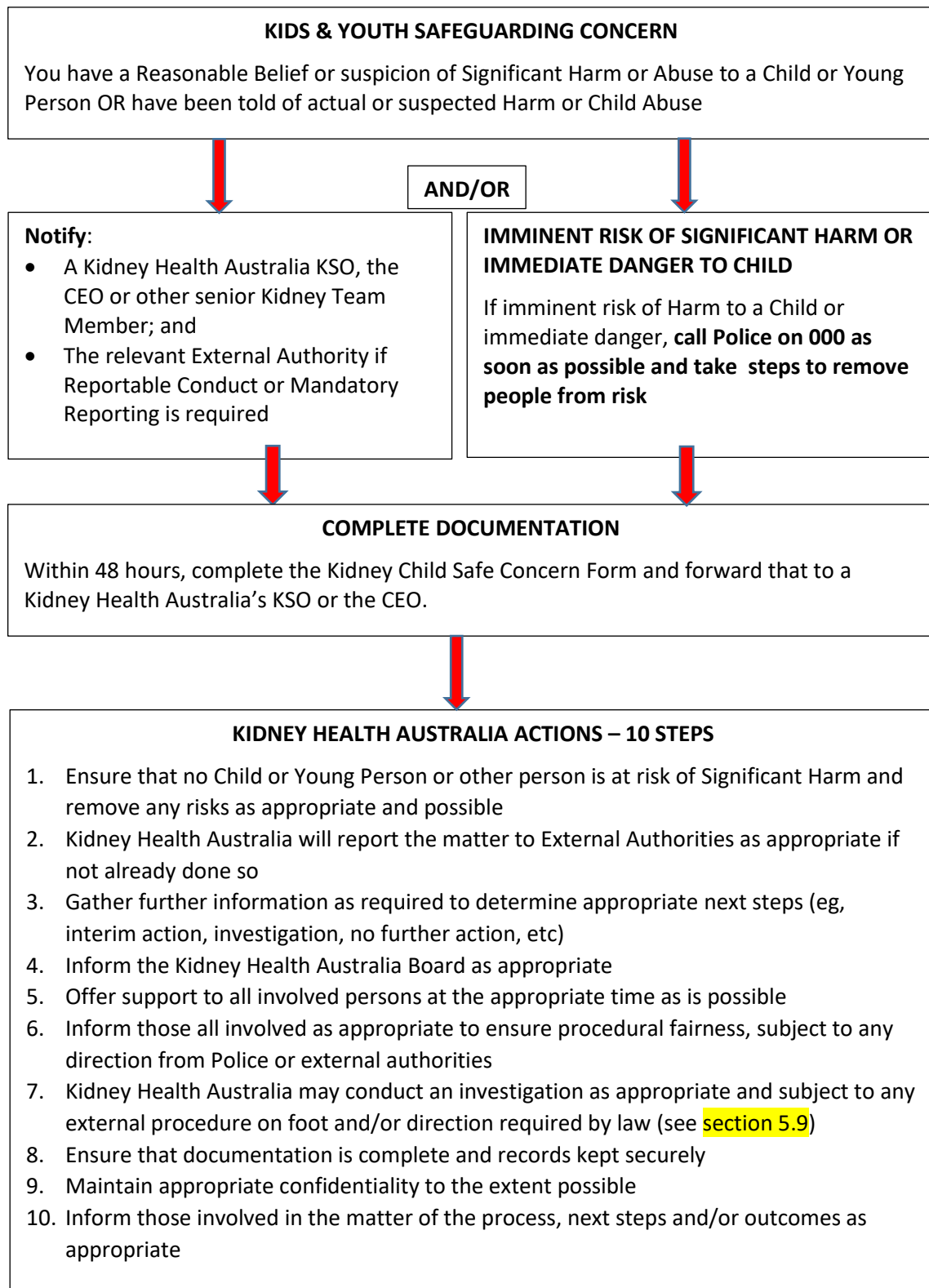
All persons involved in any Kids & Youth Safeguarding concern should also consider calling any of the following helplines at any stage, if that would be of benefit to them or others involved:

**LIFELINE** – 13 11 44

**KIDS HELPLINE** – 1800 55 1800

**1800 RESPECT** – 1800 737 732

### 5.12 Flowchart for Responding to Kids & Youth Safeguarding Concerns



## 6 Definitions

**Abuse** means Physical Abuse, Emotional or Psychological Abuse, Sexual Abuse, and abuse of power that has caused, is causing or is likely to cause Harm to a person’s wellbeing or development, whether in person directly or as the result of a publication viewable by any other person by any means. Examples of Abuse include, but are not limited to, Bullying, humiliation, verbal abuse and insults, Grooming, Harassment (including Sexual Harassment), Discrimination, Neglect and Sexual Exploitation.

**Bullying** involves the inappropriate use of power by one or more persons or groups of persons over another less powerful person or group of persons and is generally an act that is repeated over time. Bullying has been described by researchers as taking many forms which are often interrelated and include:

- **Verbal** - name calling, put downs, threats;
- **Physical** - hitting, punching, kicking, scratching, tripping, spitting;
- **Social** - ignoring, excluding, ostracising, alienating; and/or
- **Psychological** - spreading rumours, stalking, dirty looks, hiding or damaging possessions.

Bullying may have Harmed, is Harming or is likely to Harm or endanger a person or a Child or Young Person. For the avoidance of doubt, Bullying includes cyber Bullying, which can also have lasting and damaging consequences.

**Child or Young Person** means any person under the age of 18 years and is a term that can be used interchangeably with “Kids & Youth”.

**Child Abuse** is the mistreatment of a Child or Young Person that has Harmed, is Harming or is likely to Harm or endanger that Child or Young Person’s physical or emotional health, development or wellbeing. For the avoidance of doubt, this includes but is not limited to Emotional or Psychological Abuse, Bullying, Grooming, Sexual Exploitation, Neglect, Exposure to Family Violence and Harassment.

**Emotional or Psychological Abuse** occurs when a Child or Young Person does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse may involve repeated rejection or threats to a Child or Young Person. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. Specific to swimming, overtraining can constitute Emotional or Psychological Abuse where these behaviours continue to an extent that results or has the potential to result in significant damage to the Child or Young Person’s physical, intellectual or emotional wellbeing and development, including any form of Harm. The issue of Emotional or Psychological Abuse must be considered within the context of resources reasonably available to the Child or Young Person through their family or carer network.

**Exposure to Family Violence** occurs when Kids & Youth are forced to live with violence between adults in their home. It can include witnessing violence or the consequences of violence. Family Violence is defined as violence between members of a family or extended family or those fulfilling the role of family in a Child or Young Person’s life.

**Grooming** is a term used to describe what happens when a perpetrator of Abuse builds a relationship with a Child or Young Person with a view to abusing them at some stage. There is no set pattern in relation to the Grooming of Kids & Youth. For some perpetrators, there will be a

lengthy period of time before the Abuse begins. The Child or Young Person may be given special attention and what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour. Other perpetrators may draw a Child or Young Person in and Abuse them relatively quickly. Some abusers do not groom Children or Young People but Abuse them without forming a relationship at all. Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports and religious activities, or in internet chatrooms, in social media or by other technological channels.

**Harassment** means any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening and that is reasonably likely to cause Harm to the person who is the subject of the Harassment. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated. Harassment includes Bullying.

Unlawful Harassment includes the above but is either sexual or targets a person because of their race, gender, pregnancy, marital status, sexual orientation or other characteristic (see characteristic list under Discrimination).

It does not matter whether the Harassment was intended: the focus is on the impact of the behaviour. As a guide, if someone finds behaviour or actions harassing, then it could be considered as Harassment. Harassment may be a single incident or repeated. It may be explicit, implicit, verbal or non-verbal and includes public acts of hatred.

**Harm** to a person or a Child or Young Person is any detrimental effect of a significant nature to the person or Child or Young Person's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:

- Physical, Psychological or Emotional Abuse or Neglect;
- Sexual Abuse or Exploitation;
- a single act, omission or circumstance; and/or
- a series or combination of acts, omissions or circumstances.

**Kidney Team Member** means any Kidney Health Australia:

- employee;
- contracting staff member;
- Board Member;
- planned and/or regular volunteer who is likely to have direct contact with Kids & Youth whilst volunteering for Kidney Health Australia (**Volunteer**); and
- intern and/or trainee who is likely to have direct contact with Kids and Youth whilst working with Kidney Health Australia.

**Kids & Youth** means Children and Young People that are under the age of 18 years and also refers to the singular "Kid".

**Neglect** is the persistent failure or deliberate failure or denial to provide a Child or Young Person with the basic necessities of life. Such Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the Child or Young Person's health and development is, or is likely to be, Harmed. Categories of Neglect include physical neglect, medical neglect, abandonment or desertion,

emotional neglect and educational neglect. The issue of Neglect is to be referred to the relevant external authority in the jurisdiction in which it occurs.

**Physical Abuse** occurs when a person subjects a person or a Child or Young Person to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a person or a Child or Young Person. Physically abusive behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, harmful overtraining, and kicking.

**Reasonable Belief** means an inclination to believe, rather than to not believe and is one that a reasonable person in the same or similar position would have formed on the same or similar grounds.

**Registered Participant** means any person who is participating in a Kidney Health Australia event, program, activity or initiative who has formally expressed interest in writing with Kidney Health Australia and includes:

- Kids and Youth aged 16-17 years only where they have written parental consent to participate in Kidney Health Australia events, programs, activities and/or initiatives; and
- Kids and Youth under the age of 16 years only where they have parental supervision in participating in Kidney Health Australia events, programs, activities and/or initiatives.

**Sexual Abuse** occurs when an adult or person of authority (eg older, or younger but more physically or intellectually developed) involves a Child or Young Person in any sexual activity. Perpetrators of Sexual Abuse take advantage of their power, authority or position over the Child or Young Person for their own benefit. It can include making sexual comments to a Child or Young Person, engaging Children or Young People to participate in sexual conversations over the internet or on social media, kissing, touching a Child or Young Person's genitals or breasts, oral sex or intercourse with a Child or Young Person. Encouraging a Child or Young Person to view pornographic magazines, websites and videos, or engaging Children or Young People to participate in sexual conversations over the internet is also considered Sexual Abuse.

**Sexual Exploitation** occurs when Children or Young People are forced or involved in sexual activities that are then unlawfully recorded in some way, or recorded without the consent of one or more parties, or used to produce pornography. Such pornography can be in the form of actual photos or videos whether or not published on the internet.

**Significant Harm** means Harm that is more than trivial or insignificant, but need not be serious and need not have a lasting and/or permanent effect.

**Volunteer** means any person who is volunteering for or on behalf of Kidney Health Australia in its events, activities, programs and/or initiatives in a planned and/or regular way and is likely to have direct contact with Kids and Youth. It also includes:

- Kids and Youth aged 16-17 years only where they have written parental consent to volunteer in Kidney Health Australia events, programs, activities and/or initiatives; and
- Kids and Youth under the age of 16 years only where they have parental supervision in volunteering in Kidney Health Australia events, programs, activities and/or initiatives.



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