

PLAST UKRAINIAN YOUTH ASSOCIATION OF NEW SOUTH WALES LIMITED		PLAST (NSW) PTY LTD
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	CHILD PROTECTION PROCEDURES		
Document No.	Version Number	Effective Date	Review Date
	01	07/05/2025	07/05/2027

OFFICIAL PLAST UKRAINIAN YOUTH ASSOCIATION OF NEW SOUTH WALES LIMITED (PUYA) and PLAST (NSW) PTY LTD (PNSW) CHILD PROTECTION PROCEDURES

APPROVAL AND AUTHORISATION

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1. INTRODUCTION

Plast Ukrainian Youth Association of New South Wales Limited (PUYA) is a registered charity which has as its objectives to provide physical, social, educational and community activities and regular meetings for its members to acquire knowledge and promote the development of children and young people as self aware, responsible and involved citizens and future leaders of their local, national and global communities through a values system based on the Scouting Promise and Law as well as to educate and foster among children and young people the traditions of their forbearers, developing their knowledge and understanding of the Ukrainian language, history, culture and ideals, fostering community engagement and development of scouting and other skills.

Plast (NSW) Pty Ltd (PNSW) is a wholly owned subsidiary of PUYA. PNSW conducts all events, programs and activities for PUYA members.

All events, programmes and activities conducted by PNSW for the members of PUYA are provided pursuant to a Service Agreement between PUYA and PNSW. Pursuant to the terms of the Service Agreement PNSW, its directors, officers, employees, volunteers, contractors and agents are required to comply with all PUYA policies as applicable and as amended from time to time. PNSW acknowledges and accepts the obligation to implement and comply with the PUYA Child Protection Policy.

PUYA and PNSW are hereafter jointly referred to as "PLAST".

The protection of children and young people from risk of harm and abuse is, primarily, controlled by state laws. An outcome of the Royal Commission into Institutional Responses to Child Sexual Abuse was the issuing by COAG in February 2019 of the National Principles of Child Safe Organisations, complemented by the Child Safe Standards (NSW).

Refer to: <https://www.childsafety.gov.au/resources/national-principles-child-safe-organisations>

PLAST is committed to promoting and protecting the interests and safety of children and young people. PLAST has zero tolerance for child abuse. PLAST Policy and Procedures for Child Protection are based on the Child Safe Standards (NSW) and on the NSW state child protection laws (Children and Young Persons Care and Protection Act 1998).

Refer to: <https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-157>

PLAST Policies and Procedures on Child Safety reflect the most demanding requirements of the NSW Child Safety Standards and state law, to ensure that all members of PLAST are subject to the same organisational requirements. For this reason, PLAST mandates all workers to report the risk of harm, harm and abuse of children and young people in accordance with, the Child Protection Policy and this Child Protection Procedure.

PLAST will uphold the Child Safe Standards (NSW):

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- 1) Child Safety is embedded in organisational leadership, governance and culture
- 2) Children participate in decisions affecting them and are taken seriously
- 3) Families and communities are informed and involved
- 4) Equity is upheld and diversity needs are taken into account
- 5) People working with children are suitable and supported
- 6) Processes to respond to complaints of child abuse are child focussed
- 7) Leaders and adult volunteers are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
- 8) Physical and online environments minimise the opportunity for abuse to occur
- 9) Implementation of the Child Safe Standards is continuously reviewed
- 10) Policies and procedures document how the organisation is child safe

Refer to: https://ocg.nsw.gov.au/sites/default/files/2021-12/g_CSS_GuidetotheStandards.pdf

2. PURPOSE

PLAST is committed to promoting and protecting the interests and safety of children and young people. PLAST has zero tolerance for harm, risk of harm and abuse toward children and young people. The purpose of this document is to provide instructions on the controls and procedures for complying with the National Principles of Child Safe Organisations complemented by the NSW Child Safe Standards and state laws, as detailed in the PUYA and PNSW Policy on Child Protection.

- 2.1. PLAST is committed to promoting and always protecting the best interests of children and young people involved in its programs through its process of screening, recruitment, training and management of leaders, adult participants of PLAST and other personnel involved in PLAST activities.
- 2.2. PLAST adult participants and workers must, always, treat children and young people with dignity and respect and promote every child and young person's right to feel safe, cared for and supported.
- 2.3. Youth participants and members must be aware of their rights to a "Child Safe Environment" and be encouraged to speak to a worker or the Child Safety Officer if they ever feel unsafe, are being harmed or are at risk of harm.
- 2.4. All children and young people have a right to protection from harm, risk of harm and abuse which may include but is not limited to bullying, neglect, domestic violence, emotional, physical, psychological or sexual abuse and grooming of any kind.
- 2.5. Reporting of suspected harm, risk of harm and child abuse is mandatory for all workers, notwithstanding the specific State or Territory legislation. This means that workers are mandated to report any harm, risk of harm and abuse through this policy, if not already mandated through state legislation.

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- 2.6. Allegations of harm, risk of harm and abuse or suspected child abuse, including grooming, must be dealt with in a timely, consistent, confidential, respectful and sympathetic manner by PLAST and/or the appropriate authority. Reports must be made as soon as is practicable to Child Protection Helpline 13 21 11 (NSW).
- 2.7. In relation to sexual abuse and/or grooming, all workers shall be considered to hold a "Position of Authority Role" for the application of the "Age of Consent" legislation. This means that, for people in these roles, the mandatory age of consent shall be taken as 18 years notwithstanding the specific State or Territory legislation.
- 2.8. Unless advised otherwise by the relevant authority, membership of a member should be suspended while an allegation is under consideration (reportable conduct). Allegations are to be reported to the relevant authorities under statutory guidelines, in NSW that is the NSW police. If proven, the membership must be cancelled. Adults, who are not members of PUYA, against whom an allegation has been made, must be prevented from having any exposure or contact with children and/or young people (minors) until the allegation or suspicion is disproved by the relevant statutory authorities.
- 2.9. PLAST shall communicate their commitment to child safety to PLAST members, potential members, participants and their families and the general Ukrainian and Australian communities. This policy will be available on the PNSW website and made available to members and potential members upon program enrolment.
- 2.10. This policy applies to all PLAST activities and youth participants of PLAST its members and potential members, whether in or outside of Australia.

3. RESPONSIBILITIES

Every person involved in PLAST has a responsibility to understand the important and specific role they play individually and collectively to ensure that the well-being and safety of all children and young people are at the forefront of all they do and every decision they make.

The objective of this procedure is to ensure:

- a safe and supportive environment for children and young people;
- compliance with all obligations under the NSW Child Protection legal framework and the NSW Child Safe Standards;
- the investigation of any allegations relating to child protection matters is conducted in a fair and just manner; and,
- workers have access to due process at all stages of employment/engagement particularly in relation to child protection matters.

Details of actions to fulfil these responsibilities are shown in Section 6, Procedures.

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3.1. The directors of PUYA and PNSW are responsible for:

- 3.1.1 Ensuring that appropriate policies and procedures reflecting the National Principles of Child Safe Organisations complemented by the NSW Child Safe Standards are in place.
- 3.1.2 Ensuring that the Policies and Procedures regarding Child Protection are up to date.
- 3.1.3 Ensuring that the Policies and Procedures regarding Child Protection are communicated to and adopted by members and potential members.
- 3.1.4 Ensuring that the Policies and Procedures regarding Child Protection are communicated within PLAST and the wider community by publishing them on the PLAST NSW website and referring to them, where relevant, in PLAST publications.
- 3.1.5 For National Events, e.g. Jamborees or Youth Conferences or Training Camps, in conjunction with the host branch, PLAST will nominate an event Child Safety Officer who will be on-site throughout the event.
- 3.1.6 Screening all members and potential members including maintaining updated compliance with Working With Children Check (WWCC) clearance (NSW) for all workers.

3.2. PNSW is responsible for:

- 3.2.1 Ratifying the Child Protection Policies and Procedures, promulgated by PUYA;
- 3.2.2 Ensuring compliance with the Policies and Procedures for Child Protection in all activities conducted by PNSW for and on behalf of PUYA;
- 3.2.3 Nominating a responsible person as a Child Safety Officer. Unless otherwise nominated, this shall be an active experienced leader.
- 3.2.4 Ensuring that reports and/or allegations of harm, risk of harm and child abuse are dealt with and, where appropriate, reported and/or investigated by the appropriate authority and/or Child Safety Officer as per procedure (refer to 6. Procedures to Prevent Child Abuse);

3.3. The Child Safety Officer is responsible for

- 3.3.1 Undertaking training specified in this document and maintaining the currency of their training;
- 3.3.2 Ensuring that they themselves are readily accessible to workers and all personal engaged in PLAST activities and in the reporting of incidents;
- 3.3.3 Reporting own reasonable belief or disclosure by another person, that a child or young person's safety is at risk, to the authorities (such as the police and / or the state-based child protection service NSW) as required for the mandatory reporting of child abuse under the PUYA and PNSW Policies and Procedures for Child Protection;

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- 3.3.4 Providing support for workers engaged in PLAST activities in undertaking their child protection responsibilities;
- 3.3.5 Investigating reports of incidents that do not require reporting to authorities.
- 3.3.6 Setting up and maintaining confidential records of reported incidents. Records are required to be maintained indefinitely;
- 3.3.7 Maintaining records of the training in Child Protection of workers engaged in PLAST activities involving children and young people. Maintaining records of Working with Children and/or Police checks as required.
- 3.3.8 Ensuring that all workers engaged in PLAST activities involving children and young people are:
 - Informed of the Policies and Procedures for Child Protection, including the Child Safe Code of Conduct,
 - Aware of their obligation to comply with all aspects of the PUYA and PNSW Child Protection Procedures, and
 - Aware that they are mandated to report suspected harm, risk of harm and abuse of a child and/or young person, to the appropriate Child Safety Officer, in the first instance;
- 3.3.9 Ensuring that all adult participants are:
 - appropriately trained; and
 - aware that they are mandated to report suspected harm, risk of harm and abuse of a child and/or young person to the appropriate Child Safety Officer; and
- 3.3.10 In the event of a conflict of interest for the Child Safety Officer in a particular incident, the reporting and investigation of the incident may be carried out by another suitably trained person, under the supervision of a PNSW director.
- 3.4. Leaders engaged in PLAST activities are responsible for:
 - 3.4.1 Promoting child safety at all times;
 - 3.4.2 Undertaking and complying with the listed training, as a minimum, and maintaining the currency of their training;
 - 3.4.3 Familiarising themselves with the types of harm, risk of harm (including grooming) and child abuse that may occur within their area of responsibility and being alert for any indications of such conduct;
 - 3.4.4 Assessing the risk of harm (including grooming) and child abuse within their area of control and mitigating/minimising any risk to the extent reasonably possible;
 - 3.4.5 Training leaders and workers under their management about the prevention and detection of harm, risk of harm, child abuse; and

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3.4.6 As mandatory reporters, reporting any reasonable belief or suspicion, that a child or young person's safety is at risk, to the relevant Child Safety Officer or authorities (such as the police and / or the state-based child protection service NSW).

3.5. All Leaders and workers are responsible for:

- 3.5.1 Providing an environment that is supportive of all children's emotional and physical safety;
- 3.5.2 Preventing and detecting harm, risk of harm (including grooming) and abuse toward a child and/or young person;
- 3.5.3 Undertaking the listed training in the PUYA and PNSW Procedures for Child Protection, and complying with all requirements;
- 3.5.4 Reporting any belief or suspicion that a child or young person's safety may be at risk to the Child Safety Officer. Identifying, and assessing risk and where children and young people are assessed as being at significant risk of harm, reporting any such cases in accordance with this procedure;
- 3.5.5 Notifying the Child Safety Officer if they or any other worker are the subject of an allegation or conviction for a reportable offence regardless of where the event occurred;
- 3.5.6 Maintaining a current WWCC (Working with Children Check) clearance (NSW) and provide the details of the clearance to the Child Safety Officer;
- 3.5.7 Reporting to DCJ/DoCS (NSW Department of Communities and Justice/Department of Community Services) when they have reasonable grounds to suspect that a child and/or young person is at significant risk of harm from abuse or neglect arising during the person's work.
- 3.5.8 It is the responsibility of a worker who is not in child-related positions but who becomes directly involved with children, in conjunction with their leader in charge, to ensure that, there are workers who have clearance, parents, or other responsible adults present and are capable of supervising the children and/or vulnerable people.

4. DEFINITIONS

Abuse is all forms of physical abuse, emotional harm/ill-treatment, sexual abuse, grooming, exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and includes any actions that result in actual or potential harm to a child.

Activities are defined as those organised or authorised by PUYA or PNSW or routine activities, whether within or outside of Australia, including camps, meetings, excursions and attendance at community events.

Adults assisting with activities include parents who are not members of PUYA, other persons (not members of PUYA) who are specialist instructors, and administrative or logistical support people for activities.

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Adult Participant means a person 18 years and over whether or not that person is a member.

Child means a person below the age of 18 years.

Child protection means any responsibility, measure or activity undertaken to safeguard children from harm.

Leaders include:

- Member officers responsible for educational activities
- Member officers
- Camp leaders
- Hike leaders
- Group leaders
- Third-party adult providers (contracted) of services and activities

Members means persons who are recorded from time to time as members in the record of PUYA members.

Participants means Youth Participants and Adult Participants.

Reasonable grounds for belief is a belief based on reasonable grounds or reasonable suspicion that risk of harm, harm and/or abuse toward a child or young person has occurred when all known considerations or facts relevant to the formation of a 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” or a “belief on reasonable grounds” is not the same as having proof, but is more than mere rumour or speculation. This can be based on indicators of harm, disclosure or information provided by a third party to form reasonable suspicion a child or young person is at risk of or is being harmed.

Reportable abuse and Reportable conduct is abuse which must be reported to the police or Child Protection Authorities. NOTE: The types of abuse which must be reported, differs between states, however, PUYA and PNSW Child Protection Policy mandates that any abuse listed below is reported to the police or the Child Protection Authorities

- a sexual offence (sexual assault, sexually abusive behaviour), sexual misconduct (including grooming) committed against, with or in the presence of a child and grooming of a child or young person.
- physical violence committed against or in the presence of a child
- behaviour causing significant emotional or psychological harm to a child, including domestic violence or exposure to domestic violence
- significant neglect of a child including physical, medical and supervisory neglect.
- misconduct involving any of the above

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Sexual assault is any act that exposes a child to or involves a child in, sexual processes beyond his or her understanding or contrary to accepted standards, harm which they would ordinarily be protected from. It includes child grooming, which refers to actions deliberately undertaken to befriend and establish an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing a child to or involving the child in pornography.

Workers include:

- Adult Participants
- Leaders
- Members
- Adult volunteers
- Third-party adult providers (contracted) of services and activities

Youth Participant means a person under the age of 18 whether or not that person is a member.

5. RECRUITMENT AND TRAINING

- 5.1. PLAST undertakes a comprehensive process of screening, training and management of all personnel, members and workers involved in PLAST activities involving children and young people.
- 5.2. Working with Children's Check (WWCC) clearance: All workers aged 18 and over must provide PNSW with a valid WWCC check clearance (NSW). Minors, under the age of 18, participating as workers are ineligible to apply for a WWCC (NSW) clearance. A minor engaged in a role that involves children and young people must be supervised at all times by an appropriately trained, PNSW worker or approved adult who possesses a current WWCC (NSW) clearance and child-related work compliances.
- 5.3. In the event that there is a person or persons applying for a paid employment position or a full time volunteer position with PLAST they must first apply for or provide details of a current WWCC (NSW) clearance. In addition, a comprehensive employment history must be provided within a resume and the details of two referees able to supply an opinion on the applicant's suitability for work in a child-related position.
- 5.4. Referee checks for the preferred applicant, including specific questions regarding previous interactions with children and young people in the workplace and other settings and any issues that may have arisen from the applicant's behaviour towards children and young people must be conducted before the recommendation for appointment. If concerns are raised by referees and the applicant is assessed as a risk if engaged in child-related work, these details must be reported to the Ombudsman (NSW) by management.
- 5.5. Applicants who are selected for a paid employment position or a full time volunteer position with PLAST must provide WWCC clearance (NSW) details and the clearance must be verified

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by management before a formal offer is made. The clearance is to be verified online through the Office of Children's Guardian (NSW). The verification details are recorded on the personnel file and the manager/supervisor is notified and the relevant details are recorded.

- 5.6. Immediately prior to the expiry of the five-year term of a WWCC (NSW) clearance persons performing child-related work must reapply for a clearance. Details of any subsequent clearance issued must be provided to the manager/supervisor and be recorded together with the verification details.
- 5.7. If the Office of Children's Guardian (NSW) becomes aware that a person previously issued with a WWCC (NSW) clearance becomes a disqualified person or is deemed a risk to the safety of children, the clearance will be cancelled. In such cases, the Office of Children's Guardian (NSW) must inform the person and PNSW that the person is ineligible to perform child related work (paid or volunteer). PNSW must either redeploy the person to a suitable position or terminate the person's employment or volunteer engagement.
- 5.8. Leaders appointed by PNSW directors:
 - 5.8.1 Are known to the PNSW directors through their previous involvement with PLAST activities with youth participants and have completed a screening interview for suitability and reference checking. Participant leaders from another country, participating in a leadership exchange program, must provide certification from their current overseas branch/group as to their suitability for working with children, see requirements in PUYA and PNSW Working with Children Policy.
 - 5.8.2 Have a current Working with Children Check (WWCC) clearance (NSW) and will notify PNSW immediately, should they have any allegations and/or convictions of any kind toward them.
 - 5.8.3 Have undergone training and have acknowledged in writing their understanding of PUYA and PNSW Policy and Procedures for Child Protection.
 - 5.8.4 Have undergone training and acknowledged in writing their understanding and compliance with associated and relevant PLAST Policies.
 - 5.8.5 Have acknowledged and signed that they will remain compliant with the PUYA and PNSW Child Safe Code of Conduct.
- 5.9. Child Safety Officers:
 - 5.9.1 Are known to the PNSW directors through their previous involvement with PLAST activities with youth members and have completed a screening interview for suitability and reference check.
 - 5.9.2 Have a current Working with Children Check clearance (NSW).
 - 5.9.3 Have undergone training and acknowledged in writing their understanding of PUYA and PNSW Policy and Procedures for Child Protection.
 - 5.9.4 Have undergone training, and acknowledged in writing their understanding and compliance with associated and relevant PLAST policies.

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- 5.9.5 Have reviewed and acknowledged their understanding of the Complaint Handling Guide of the National Office of Child Safety.
- 5.9.6 Are willing to make themselves readily accessible to youth or adult members, leaders, parents and adults assisting with PLAST activities, for reporting of incidents by publishing an email and phone number on which they can be reached at all times.
- 5.9.7 Have acknowledged and signed that they will remain compliant with the PUYA and PNSW Child Safe Code of Conduct.

5.10. Other Adults:

- 5.10.1 All Adult members of PUYA assisting with activities shall acknowledge their understanding of PUYA Child Protection Policy and Procedures and the PUYA and PNSW Child Safe Code of Conduct at the time of becoming adult members by the signing of this acknowledgement on their application.
- 5.10.2 Adult participants assisting with activities must undergo training appropriate to the level of their planned involvement, at the commencement of their involvement. If these adults do not have a WWCC (NSW) and have not fulfilled the requirements of an approved person to work with children and young people (as per the Child Protection Policy and Procedure), these persons must not work alone with children and must have an approved adult/worker/leader present who has their current WWCC (NSW) and has met the requirements of the Child Protection Policy and Procedure.
- 5.10.3 External instructors: confirmation must be obtained, cited and recorded, that they have undergone equivalent training in Child Protection within their organisation and have a current WWCC (NSW). Additionally, when engaging with youth participants they must acknowledge compliance to all PLAST policies and procedures including the PUYA and PNSW Child Protection Policy and Procedure and the PUYA and PNSW Child Safe Code of Conduct. Alternatively, supervision must be maintained at all times by a leader whilst the instructors are with the youth participants.

6. PROCEDURES TO PREVENT CHILD ABUSE

- 6.1. Informing community: Inform adult participants, members or potential members, parents, any prospective participants, and any other adults involved with PLAST activities involving children, of PUYA and PNSW Policies and Procedures for protecting children from harm, risk of harm and abuse by:
 - 6.1.1 displaying the PUYA and PNSW Policies and Procedures for Child Protection and the PUYA and PNSW Child Safe Code of Conduct on the PNSW website;
 - 6.1.2 including a website link to the PUYA and PNSW Policies and Procedures for Child Protection and the PUYA and PNSW Child Safe Code of Conduct in all registration documents to participate in overnight camps or hikes, day excursions and any other activities where their parent or guardian is not present. An acknowledgement in

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writing, by the parent or guardian, that they have read and understood the PUYA and PNSW Child Protection Policy and Procedures, is required for participation and;

- 6.1.3 including a link to the PUYA and PNSW Child Protection Policies and Procedures and the PUYA and PNSW Child Safe Code of Conduct in all registration forms for new adult participants and members.

6.2. Education of children and young people:

- 6.2.1 Include age-appropriate activities/advice, at least yearly and at the beginning of overnight camps, on their right to feel safe, ways in which they can protect themselves and their peers, and their ability to report any unpleasant incidents to the Child Safety Officer or a PNSW approved worker.
- 6.2.2 Ensure that youth participants know who the PNSW approved worker or Child Safety Officer is and know how to contact them.
- 6.2.3 Ensure that children and young people are aware of the risk of sharing inappropriate information or very personal photographs on social media, on-line or on mobile phone with adults outside their immediate family.
- 6.2.4 Inform children and young people about their rights including their right to safety and the right to be listened to:
- 6.2.5 Provide clear age-appropriate or developmentally appropriate explanations to children and young people including information on their rights to safety, their rights to be listened to and heard.
- 6.2.6 Children and young people are informed they can provide feedback or make a complaint and are introduced to workers whom they can access safely and confidentially (refer to Complaints and Allegation Policy).
- 6.2.7 Children and young people are informed they can ask their parent/caregiver to act on their behalf.
- 6.2.8 Parents and caregivers are informed they can act on their child or youth's behalf.
- 6.2.9 Listen and act on all feedback and complaints or concerns that children, young people and their parent(s)/caregiver raise.
- 6.2.10 Educate children and young people on what harm is and develop their understanding of protective practices.
- 6.2.11 All complaints and child safety concerns must ultimately be reported to the Child Safety Officer.
Slawka Hoszowski
Email: slawkahoszowski@gmail.com
Mobile: 0414 060 889

- 6.2.12 A child or young person, or any worker can make a complaint, or raise a concern, directly to the Child Safety Officer. It is the officer role to support any person who is making a complaint in particular if it is a child and/or vulnerable person and act in

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accordance with the PUYA and PNSW Child Protection Policy and this procedure as required.

6.3. Training of leaders:

6.3.1 Maintain records of training, for all leaders which demonstrate the currency of their knowledge and understanding of the PUYA and PNSW policies and procedures for child protection.

6.3.2 Ensure that leaders undertake refresher training on the procedures for child protection, especially in the prevention and detection of incidents of harm, risk of harm and abuse (which includes bullying, sexual harassment, physical, emotional or sexual abuse and grooming), recognition of possible victims and recognition of potential perpetrators of child abuse.

See Appendix 5 for indicators of abuse in a child or young person.

See Appendix 6 for the characteristic behaviour of abusers of children and young people.

6.3.3 Clarify to all leaders that any form of sexual activity between a youth participant and an adult participants is not permitted, notwithstanding if the youth participant has reached the age of consent in that jurisdiction.

6.3.4 Emphasise to all leaders that, ensuring the presence of TWO adults or leaders during activities with youth participants, may be the only method of proving that an incident of child abuse and/or grooming did not occur.

6.4. Use of social media

6.4.1 Leaders and adult participants should not be “befriending”, “subscribing” or “following” youth participants who are not part of their family, on social media, internet platforms and applications.

6.4.2 Only the official PNSW social media / internet platforms should be used by leaders to communicate with youth participants or their parents/guardians to organise events or to post reports, photos and comments of events.

6.4.3 Access to the PNSW social media, internet platforms and applications must be managed by administrators who are approved by the PNSW directors, and who are leaders, trained in the PUYA and PNSW Child Protection Policy and Procedures and PUYA and PNSW Child Safe Code of Conduct.

6.4.4 Only “closed groups” where access is by invitation, should be initiated. Access is primarily for members of PUYA. Access to persons outside of PUYA, e.g. past members, or friends of members, should be certified by at least TWO administrators who know the person or can verify their approval.

6.4.5 Only administrators may post on the official pages/sites/accounts. Administrators are also responsible for ongoing monitoring of the sites/accounts/pages. All members may read or comment, however inappropriate comments must be

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removed. If a person continues to make inappropriate comments, access of that person to the site/account, or their ability to post comments, must be reviewed and denied, if necessary.

6.5. Procedures during activities

- 6.5.1 Except in unforeseen circumstances such as in an emergency and/or critical incident, at least TWO adults or leaders must be present with youth participants. If this cannot be achieved, details of the activity and all attendees must be reported to the PNSW directors or Child Safety Officer. At least one of the adults must be a fully trained leader.
- 6.5.2 During camps or overnight activities, each person must sleep in a separate bed. Leaders are not to sleep in a room or camp with a youth participant alone.
- 6.5.3 Provision must be made for private changing facilities and separate showers for male and female participants. Supervision may only be by adults of the same gender who are approved adults in designated roles, in accordance with the Child Protection Policy and Procedure.
- 6.5.4 Travel arrangements:

Avoid situations where there is only one adult with one youth participant in a vehicle (except for members of a family or guardians) to avoid situations where the adult's actions could be misinterpreted.

When travelling in a convoy e.g. several cars transporting youth participants on a hike, and it is not practical to use two adults in the car, the first and last drivers must be fully trained leaders. All drivers must understand that they must follow in convoy. No drivers are to leave the convoy or fall behind the last car. The first and last cars must be in radio/mobile contact in case of emergencies.
- 6.5.5 During activities in an isolated or remote location, unless they are there on the invitation of the activity leader as an approved guest, there should be no casual contact by external parties, even if they are known to any of the participants.
- 6.5.6 In the case of Camp Open Days, signing-in of all persons and who they intend/ed to visit should be strictly implemented.
- 6.5.7 Use of mobile phones during youth activities of longer than 24 hour duration: youth participants should not have access to their phone except to contact parents and/or a guardian.
- 6.5.8 Written permission must be obtained before using photographs of youth participants in PLAST publications or on social media. Good judgement should be used regarding what are appropriate situations for taking photos or videos, e.g. during swimming. Adults are not to take photos of youth participants unless they are family members. Adults are not to share photos of youth participants (i.e. their family members) on social media if other participants are in the photo.

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6.6. Youth to youth behaviour

- 6.6.1 Leaders should be alert to misconduct, bullying, harassment, physical attacks and sexual behaviour between youth participants and prevent, intervene and/or cease it.
- 6.6.2 Harmful sexual behaviours (and grooming) between children and young people must be reported to the relevant authority (Police and or Child Protection). In particular, leaders must be vigilant to ensure all children and young people who are vulnerable (e.g. disabled, neuro-diverse) are also protected.
- 6.6.3 While sexual activity between consenting adult participants is not unlawful (see Appendix 3) and therefore not reportable, such activity is not condoned during any PLAST activities or events.

7. REPORTING OF INCIDENT

Recognition of abuse

- 7.1. A leader or adult participant may have reasonable suspicion or grounds for belief that a child or young person is at harm, is at risk of harm, is or may have been abused if, for example:
 - a child or young person states that they have been, is or is at risk of, physically, emotionally, and/or sexually being abused, groomed, neglected or tormented;
 - a child or young person states that they know someone who has been, is or is at risk of, physically, emotionally, and/or sexually being abused, groomed, neglected or tormented (sometimes the child may be talking about themselves);
 - someone who knows the child or young person states that the child or young person has been, is or is at risk of, being physically, emotionally, and/or sexually abused, groomed, neglected or tormented;
 - observation of a child's behaviour and/or physical indicators and/or parent or carer concerns leads to the suspicion that the child or young person has been, is or is at risk of being physically, emotionally, sexually abused, groomed neglected or tormented;
 - signs of harm and/or abuse or injury lead to the belief that the child or young person is and/or has been abused.
- 7.2. PUYA and PNSW Policies for Child Protection define **all** sexual abuse and misconduct, including grooming, and significant physical, exposure to domestic violence, emotional or psychological abuse as "reportable abuse". See Appendix 2 for examples of reportable abuse (criminal conduct and misconduct).

Harmful (or concerning) behaviour (see Appendix 2 for examples) while needing to be noted, need not be reported to police or child protection authorities. Non-reportable incidents to Police and/or Child Protection (Office of the Guardianship NSW) include (but are not exclusive to): bullying, mental health episodes, emotional and/or psychological responses to grief, loss and non-abused based traumatic events. Whilst a referral to external support

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services may be appropriate, incidents of this nature can be internally noted, but do not warrant a Child Protection or Police response.

Reporting of Harm, Risk of Harm and Abuse

- 7.3. Any worker who has reasonable grounds for belief or suspicion that a child or youth participant is at imminent risk of reportable abuse, or is already subject to reportable abuse, or has been informed of reportable abuse or reportable misconduct, must
 - 7.3.1 Immediately advise the Child Safety Officer about their concern.
 - 7.3.2 The worker and/or the Child Safety Officer shall immediately ensure the safety and wellbeing of the affected child, including provision of medical assistance if needed.
 - 7.3.3 As soon as is practicable, before the details of the incident are forgotten, the alleged abuse or safety concern must be documented, using the Incident Report Form.
 - 7.3.4 The Child Safety Officer shall check the Incident Report Form to ensure details are provided correctly and fully, but shall not investigate the report before notifying the authorities.
 - 7.3.5 As soon as is practicable (and/or within 24 hours unless it is an imminent threat or emergency), the Child Safety Officer shall notify the appropriate child protection service or the police, notwithstanding the wishes of the child or any other person.
 - 7.3.6 Any person, regardless of whether or not they are deemed a mandatory reporter, can and should make a report to Child Protection Helpline 132111 if they form a belief on reasonable grounds that a child under 18 years is in need of protection or risk of significant harm and/or sexual abuse (sexual abuse is reportable to the Police).
 - 7.3.7 All workers have ethical requirements and responsibilities as per the PUYA and PNSW Child Protection Policy to report a belief on reasonable grounds that a child or young person is at risk of significant harm.
 - 7.3.8 Any person engaged by PLAST has statutory responsibilities as a Mandatory Reporter if they are engaged in the delivery or supervision of the delivery of child-related work to children in the context of child care; health care; welfare; and, education services.
 - 7.3.9 All workers have the responsibility of Mandatory Reporters (refer to Child Protection Policy). Workers under the age of 18 may receive support and guidance from the Child Safety Officer or management to make a mandatory report.
 - 7.3.10 If a Mandatory Reporter determines that a child or young person may be at 'significant risk of harm from abuse or neglect' the matter must be reported to the DCJ (NSW) through the Department of Child Protection Helpline 132 111 (24-hour access).
 - 7.3.11 Failure to make a mandatory report of a child at significant risk of harm may result in: disciplinary action or notice, where a worker is involved; where a statutory notification is mandated, fines may apply.

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7.3.12 Mandatory reporting is an individual responsibility however, unless the matter is urgent, the mandatory reporter should confer with their leader and/or Child Safety Officer as per this procedure, before making a report. While it is good practice to do this, no one can prevent a mandatory reporter from making a report if they believe they should do so.

7.3.13 Privacy and confidentiality must be maintained at all stages of a mandatory report.

7.3.14 The process to be followed to determine the appropriate response when a Mandatory Reporter suspects the presence of child abuse or neglect (NSW):

The Mandatory Reporter Guide is to be used in the first instance. The MRG is a resource to help workers decide about whether they should make a report to DCJ or take another course of action.

Refer to: <http://www.community.nsw.gov.au/> www.community.nsw.gov.au

After completing the decision tree, the MRG will provide guidance in the form of a final decision. The final decision will be either: make an immediate report to Child Protection Helpline 132 111; or, consult with other agencies to arrange support for the child/children and their family.

7.3.15 Government and non-government agencies may share and exchange information that is relevant to the safety, welfare or wellbeing of a child or young person regardless of whether the report meets the risk of significant harm threshold.

7.3.16 A completed Information Exchange Agreement between PNSW and relevant organisations is required before information on child safety, wellbeing or welfare is requested. Refer to;

<http://www.community.nsw.gov.au/informationexchange>"www.community.nsw.gov.au/informationexchange

An exemption to completing this information exchange agreement is when information is requested under Chapter 16A or Section 248- Provision and exchange of information of Children and Young Persons (Care and Protection) Act 1998.

Agencies/Sources that may need to be consulted include:

<http://www.nswfamilyservices.asn.au/> www.nswfamilyservices.asn.au;

and schools that the child may be attending; health nurses and disability services.

7.4. In situations where a leader is suspected of involvement in the harm, risk of harm or abuse, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with by the leader, the alleged safety concern must be

7.4.1 documented using the Incident Report Form

7.4.2 reported to the Child Safety Officer

7.4.3 notified as soon as is practicable, to the appropriate child protection service (NSW) or police by the Child Safety Officer or by the adult initiating the report.

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Non-Reportable Abuse

7.5. Where a worker observes or forms a reasonable belief or suspicion that a child or young person is being subjected to bullying, emotional or psychological pressure or physical attack, or other harmful or concerning behaviour, whether by an adult or by another child or young person, the worker should:

- 7.5.1 report their concern to the Child Safety Officer
- 7.5.2 document their concern using the Incident Report Form
- 7.5.3 The Child Safety Officer is responsible to ensure appropriate support and safety measures are taken this may include (but is not exclusive to): referrals to community and mental health services, medical/health nurses, professional services etc.
- 7.5.4 Parents and/or caregiver/s must be informed by Child Safety Officer if a non-reportable incident (such as those listed in non-reportable abuse) has occurred and what measures have been taken in response.
- 7.5.5 It is important for all adults engaged by us to recognise that children and young people can face harm from their peers. This can commonly take the form of bullying. Bullying can be defined as any behaviour which is:

- repeated; and
- has the intention of hurting somebody either physically or emotionally.

Bullying can sometimes be motivated by prejudices based on certain groups, for example gender, race, religion or sexual orientation. Bullying can often include:

- physical harm perpetrated against another child
- name calling and threats
- cyberbullying (threats and abusive comments made via technology)

Any instance of bullying or concern relating to possible bullying between children and young people at any event or activities arranged by PNSW will usually be dealt with by PNSW in the first instance as follows:

All children and/or young people and any relevant workers will be spoken to individually (children/young people will have an appropriate support person in attendance) to ascertain the facts. Where appropriate, a warning will be issued, and relevant support/education to follow.

- 7.5.6 Where any behaviour amounting to bullying continues following this, the following steps will be taken:

The child or youth who persistently bullies other children or youth will be asked to leave the program. These consultations will occur with an appropriate support person and caregiver/guardian or parent(s) present.

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- 7.5.7 Should any of the information in these matters include the suspected abuse, harm or risk of harm within the definitions in this policy, according to the Children and Young Persons (Care and Protection) Act 1998 (NSW), workers must complete a mandatory notification and reporting protocols according to this policy.

8. INVESTIGATION OF INCIDENT

- 8.1. The Police or Child Protection Service shall determine if the reported harm, risk of harm or abuse should be formally investigated by the authorities or if it is to be handled by PLAST.
- 8.2. An incident shall only be investigated internally by the Child Safety Officer and/or PNSW delegate:
 - 8.2.1 if it is not being investigated by the relevant authorities (Child Protection or police).
 - 8.2.2 if it requires investigation by the police or Child Protection Services and these authorities have deemed that an internal investigation will not conflict with their own investigations. In that case, PNSW will follow the PNSW Incident Management and/or Complaints Policy and Procedure.
- 8.3. If the Child Protection Service or the police decide to conduct an investigation of the report of the incident, all leaders and all adults, whether participants of PUYA or not, who are associated with the incident, must co-operate fully with the investigation.
- 8.4. All workers associated with a non-reportable incident must co-operate fully with an internal investigation by the Child Safety Officer or the designated PNSW investigator.
- 8.5. Any internal investigation shall be conducted in accordance with PUYA Privacy Policy, observing strict confidentiality, and ensuring that the affected child or young person receives the necessary support from their parents or another adult nominated by them. Where the offender is a minor, they should be similarly supported by a parent or another adult nominated by them.
- 8.6. Where the incident is being investigated by the police or Child Protection Authorities, the victim and their family should be provided with a liaison/support person (who may be the Child Safety Officer) to keep them informed of progress in the matter. A contact person may also be provided for the alleged offender.

9. RESPONDING TO THE INVESTIGATION

- 9.1. If it is alleged that a leader or adult participant of PUYA may have committed an offence or have breached the PUYA and PNSW Child Protection Policies or Procedures, the person concerned should be stood down while an investigation is conducted, unless advised otherwise by the authorities.

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- 9.2. If an external investigation by the police or child protection services concludes that a reportable offence regarding harm, risk of harm or abuse did occur if the adult participant is a member, the person's membership shall be terminated immediately.
- 9.3. If an internal investigation concludes that, on the balance of probabilities, an offence (or a breach of the PUYA and PNSW Child Protection Policies and Procedures) has occurred, then disciplinary action, or appropriate restrictions on dealings with children and young people may follow, up to and including loss of membership or cessation of involvement with PLAST.
- 9.4. The findings of the investigation shall be reported to any external body as required.
- 9.5. If the internal investigation confirms that the offender is a youth participant, depending on the seriousness of the offence, the following disciplinary action may be taken:
 - immediate dismissal from PNSW activity or event (and return home) with disclosure to parents, in person.
 - implementation of principles of Restorative Justice, especially victim-offender mediation, family conferences, etc in the presence of trained facilitators
 - on-going monitoring of behaviour
 - further participation in PNSW activities contingent on professional counselling, support and continuing improvement of behaviour.
 - as deemed by this procedure, reportable conduct, including sexual harm and/or grooming to be reported to the relevant authorities (Child Protection or police).
- 9.6. Support and counselling should be provided to the victim and their family. Counselling should also be considered for the friends and peers of the victim.

10. PRIVACY AND RECORD KEEPING

- 10.1. As incidents of this type may reveal sensitive personal information and involve serious allegations (which may be ultimately disproved), strict confidentiality must be observed at all times, during reporting and investigation.
- 10.2. All personal information considered or recorded will respect the privacy of the individuals involved, unless there is a risk to someone's safety, and be managed in accordance with PUYA Privacy Policy.
- 10.3. Records must be kept for seven years for auditing purposes. These records include the WWCC (NSW) number, verification date, verification outcome, and expiry date.
- 10.4. Full and accurate records will be created about all incidents, responses and decisions affecting child safety and wellbeing, including child sexual abuse.
- 10.5. Records relevant to child safety and wellbeing, including child sexual abuse, will be maintained appropriately.

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- 10.6. Records relevant to child safety and wellbeing, including child sexual abuse, will only be disposed of by law or policy.
- 10.7. Individuals' existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent.
- 10.8. PLAST as institutions that engage in child-related work will retain, for at least 45 years, records relating to child sexual abuse that has occurred or is alleged to have occurred. This is to allow for delayed disclosure of abuse by victims and to take account of limitation periods for civil actions for child sexual abuse.

11. PERIODIC REVIEW

PUYA and PNSW Child Protection Procedures shall be reviewed:

- every two years,
- following every reportable incident, and/or
- following changes to the laws.

12. RELATED DOCUMENTS

- PUYA and PNSW Child Protection Policy
- PUYA and PNSW Child Safe Code of Conduct
- PUYA Privacy Policy
- PUYA and PNSW Incident and Complaint Handling Policy (and related Forms)
- Complaint Handling Guide, Upholding the rights of children and young people; National Office of Child Safety
<https://www.childsafety.gov.au/resources/complaint-handling-guide-upholding-rights-children-and-young-people>
- Children and Young Persons (Care and Protection) Act 1998 (NSW)

13. TRAINING

The following people require training in these procedures. As a minimum, people must acknowledge that they have read and understand the PUYA and PNSW Child Protection Procedures and undertake to comply with them. In the case of people dealing directly with youth participants, training in the form of a tutorial / workshop will be more appropriate.

- All members of the PUYA Board and PNSW Board
- Child Safety Officers. In addition to training in child protection procedures they should be familiar with the "Complaint Handling Guide, Upholding the rights of children and young people" published by National Office of Child Safety, 2019
- All leaders working with children

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- Administrators of PNSW social media activities
- All adults assisting with activities with direct contact with youth participants to the level appropriate to their involvement.
As a minimum this should include
Sect 6: Procedures to prevent child abuse
Sect 7: Reporting child abuse
- External Instructors: confirm that they have undergone equivalent training in Child Protection / Safety

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DECLARATION

I have read and understood the PUYA and PNSW Child Protection Procedures and agree to follow the rules set out in this document while dealing with children during any activities, as defined in the PUYA and PNSW Child Protection Procedures.

Name	Signature	Date

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APPENDIX 1

LEGISLATION FOR MANDATORY REPORTING OF CHILD ABUSE: NSW

As child protection is controlled by state laws, there are differences in

- who must report,
- what types of abuse and neglect have to be reported,
- what activates a duty to report (a concern, a suspicion, or a belief on reasonable grounds) and
- the Authority to whom the report is made.

People mandated to report child abuse

The occupations most commonly named as “mandated reporters” are those who deal frequently with children in the course of their work: teachers, early childhood educators, doctors, nurses, people in religious ministry, psychologists, police, staff who provide direct support to children for mental, emotional or psychological wellbeing.

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

Who is mandated to Report? a person who delivers health care, welfare, education, children’s services, law enforcement; a minister of religion; a psychologist.

Where reporting of child abuse is mandatory, failure to report or disclose the information may be a criminal offence unless you have a “reasonable excuse” or have an exemption from disclosure.

While leaders are not mandated by law to report child abuse, PUYA and PNSW Child Protection Policy mandates that all adults involved in PNSW activities with children shall report child abuse to the Child Safety Officer.

Types of abuse which must be reported

The following are the 5 recognised categories of child abuse:

- any type of sexual abuse
- significant physical abuse
- significant emotional abuse
- significant neglect (e.g. physical, medical and supervisory)
- exposure to significant family violence
- grooming

Although not all categories of abuse are mandated to be reported by the legislation in individual states and territories, **PUYA and PNSW Child Protection Policy mandates that any type of child abuse must be reported** to the Child Safety Officer.

All adults are required to report sexual abuse (and/or sexual grooming) of children to the Police.

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APPENDIX 2

Examples of harmful behaviour, misconduct, criminal conduct

The following are examples of a range of behaviour which is unacceptable when dealing with children and young people. This is not an exhaustive list. The behaviour ranges from **criminal behaviour** and **misconduct**, which constitutes “reportable abuse”, to **harmful behaviour**, which needs to be addressed to prevent a situation escalating, but may be dealt with, internally, by the organisation.

NOTE: Criminal behaviour is reported to police

Criminal behaviour, if proved:

- intentionally or recklessly applying physical force against a child or young person
- obscene exposure
- having, attempting to have or facilitating any kind of sexual contact with a child or young person
- possessing, creating or exposing children to pornography
- giving goods money, attention or affection in exchange for sexual activities or images
- sexting
- grooming offences (as defined by law)

Misconduct:

- using sexual language or gestures
- making written or verbal sexual advances
- sharing sexual photos or videos or other photos of the child or young person
- sharing details of one’s own sexual experiences with a child or young person
- taking a child or young person to one’s house to be alone with them
- sharing phone numbers with a child or young person except as appropriate to the PNSW activities
- engaging with a child or young person via social media except in an open group
- asking a child or young person to keep a relationship secret
- showering or dressing or undressing with the door open or in view e.g. on excursions or hikes
- not respecting the privacy of children or young people when they are using the toilet, showering/washing or dressing

Harmful (or concerning) behaviours:

- disciplining or correcting a child or young person in an unreasonable manner
- making excessive and/or degrading demands of a child or young person
- taking photos of a child or young person who is in the care of the organisation outside of official duties

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- creating situations to be alone with a child or young person
- repeatedly visiting a child or young person and/or their family at their home for no professional reason
- providing gifts or favours to a child / young person or their family
- wearing inappropriate clothing around children or young people (e.g. clothing with sexually explicit images or messages or clothes that expose or accentuate the genitals or breasts)

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APPENDIX 3

AGE OF CONSENT LEGISLATION

Age of consent legislation differs between states.

There are complex rules about similar age / underage sex

In some jurisdictions a higher age of consent applies for people in a **Position of Authority Role***

The table below provides a summary and should be used as a GUIDE ONLY. Specific legal advice should be sought.

STATE	LEGISLATION	
ACT	16 yrs	age of consent
	10-15 yrs	sex not unlawful if other party no more than 2 yrs older and you agree, or they believed you were 16
NSW	16 yrs	age of consent
	18 yrs	mandatory age of consent if in a Position of Authority Role*
QLD	16 yrs	age of consent
	12-15 yrs	sex not unlawful with a person if you consent and they reasonably believed you were 16
SA	17 yrs	age of consent
	18 yrs	mandatory age of consent if in a Position of Authority Role*
	16 yrs	sex not unlawful provided other person is 16 and you consent, or they believed you to be 17
VIC	16 yrs	age of consent
	18 yrs	mandatory age of consent if in a Position of Authority Role*
	12-15 yrs	sex not unlawful with a person if you consent and they are less than 3 years older or they believe you were 16

* Position of Authority Role: teacher, foster parent, religious leader, medical practitioner, employer, etc.

The above notwithstanding, it is PUYA and PNSW policy that any adult participant shall be considered to be in a position of authority role with respect to any youth participant, and that therefore, the mandatory age of consent shall be taken as 18 years.

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APPENDIX 4

Indicators of abuse in children and young people

- Any expression of concern from a child or young person regarding their personal safety, or remarks or testimony that a responsible adult could interpret as a threat to the person's safety.
- Suspicious physical injuries, bruising, cuts, fractures, burns or marks
- Regular and/or severe negative self-talk, unusually aggressive, overly compliant or fearful, overly anxious regressive behaviour
- Persistent or significantly inappropriate discussion or writing about sexual activities, particularly sexual interest or information that is age inappropriate
- Ongoing and unexplained health or wellbeing concerns such as stomach aches, headaches, crying and/or heightened sensitivity
- Disclosure of suicidal thoughts or plans by a child or young person
- Observations or disclosures relating to grooming behaviour of any adult in contact with children, including any combination of special gifts, secrets, time alone together, special names, online contact.

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APPENDIX 5

Indicators of potentially abusive behaviour in adults

- Displays low self-esteem, poor self-image or poor impulse control
- Displays withdrawn or placid demeanour
- Pays special attention to sad, vulnerable, isolated or lonely children or those in single parent families
- Overly friendly/familiar with children. Displays inappropriate affection to children e.g. front-on hugging, touching or flirting
- Describes children in inappropriate ways e.g. angelic or pure
- Has favourite children to whom gifts are given. Gives articles of own clothing to a child as gift, e.g. cap, jacket, t-shirt
- Spends considerable time with a child or children, outside normal interaction
- Carries photos of children other than his/her own, often indicating that these children love him/her
- May remove themselves from an activity to have time with children who may be in the toilet or other secluded area
- Attempts to engineer opportunities to be alone with a child e.g. babysitting, child minding, car rides. Offers or takes child home, shopping or on an outing. Offers to collect child from school or PNSW activities
- Strong denial or show of disgust of offence or any intention to offend. May be very outspoken and outraged about child sex offenders
- Dislikes submission to authority, prefers to work alone and is negative or dismissive when sexual abuse topics are raised

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APPENDIX 6

OVERVIEW OF CHILD PROTECTION TRAINING REQUIREMENTS

Position	Child Protection Policy, Child Safety Statement and Code of Conduct	Child Protection Procedures		Complaint Handling Guide	Working w children check	Participating in specified training	Training method
		Total doc.	Sec 6 & 7 only				
PUYA and PNSW directors	✓	✓			✓	✓	read, sign, understand and comply, when elected
Members and Potential Members 18 years of age and over	✓		✓				read, sign, understand and comply
Leaders	✓	✓			✓	✓	read, sign, understand and comply
Child Safety Officers	✓	✓		✓	✓	✓	tutorial, discussion when appointed
Administrators of PNSW website, Facebook and social media pages	✓	✓					read, sign: understand and comply when appointed
Guest Instructors	✓	confirm equivalent training			✓		sign: understand and comply with appointment
Adult participants assisting with activities involving youth participants	✓		✓				Policy: sign: understand & comply Procedures: discussion at start of camp or start of year; website link on registration docs.