

Purpose

Mercy Health is committed to meeting its moral and legal obligations to protect children and young people from all types of abuse and minimise risk to children and young people.

This policy outlines Mercy Health's commitment to creating and maintaining a child-safe organisation and complying with all relevant child safety and child protection laws and regulations across the jurisdictions in which it operates. It applies to all staff, contractors, students and volunteers and seeks to safeguard all children who are in Mercy Health's care, accessing its services, participating in its programs, visiting its sites, or otherwise connected

This policy must be read in conjunction with the Child Protection Procedures for each jurisdiction (refer to [links to related documents](#) section), the [Code of Conduct Policy](#) and the [Code of Conduct with Children Policy](#).

Who Must Comply

This policy applies to all Mercy Health:

- employees (permanent, temporary and casual).
- volunteers.
- students.
- contractors and consultants.
- any other persons engaged by, or acting on behalf of, Mercy Health across Health Services, Healthy Ageing and Support Services

1. Policy Statement

Mercy Commitment to Child Safety:

Mercy Health is committed to child safety across all its services. This commitment is promoted by the following organisational principles:

- an awareness of staff to listen to the voice of children.
- a zero tolerance of child abuse.
- development and ongoing review of policies and procedures to protect children from abuse.
- a commitment to take all allegations of abuse against children seriously and to respond to them consistently and in line with Mercy Health's child safe policies and procedures.
- a recognition of the need to continually promote cultural safety for children of Aboriginal and Torres Strait Islander, and culturally and/or linguistically diverse, backgrounds, as well as providing a safe environment for children with a disability.

2. Child Safe Principles and Standards

Mercy Health operates across multiple Australian States and Territories and is committed to complying with applicable child safety / protection, safeguarding legislation, standards and regulatory requirements in each

jurisdiction. Child safety and well-being at Mercy Health is informed by the [National Principles for Child Safe Organisations](#), relevant State and Territory Child Safe Standards, and the [National Catholic Safeguarding Standards \(NCSS\)](#). While these frameworks provide a consistent organisation-wide approach to child safety and well-being, Mercy Health recognises that child safety risks, responsibilities and interactions with children and young people vary across service settings. Child safety measures are implemented proportionately to the risks present in each service setting, while maintaining a consistent commitment to child safety and well-being across the organisation. A summary of the relevant child safe standards is provided in [Appendix A](#).

3. Child Safety requirements

As part of Mercy Health's commitment to the protection of children and young people, the following apply:

- All staff are responsible for protecting children and young people, understanding their legislative and organisational obligations, and acting in accordance with relevant child protection procedures.
- Staff who have reasonable grounds, or form a reasonable belief, that a child or young person is at risk of harm, must report or disclose at the time the reasonable belief is formed, in accordance with the processes set out in the relevant Protection of Children Procedure.
- Staff must maintain written records in accordance with the relevant procedure.
- ***Staff in NSW are required to comply with the Child Well-being and Child Protection policies and procedures as directed by NSW Health.***

4. Child's Rights Participation and Voice

Mercy Health is committed to upholding the rights of children and young people and fostering environments where they are empowered to participate in matters that affect them. The organisation values the perspectives, experiences and views of children and young people and recognises their important role in promoting their own safety and well-being.

Mercy Health will:

- Promote and protect the rights, safety and well-being of all children and young people.
- Provide children and young people with opportunities to express their views and participate in decisions that affect them, in a manner that is appropriate to their age, maturity, abilities and circumstances.
- Listen to children and young people and take their views, concerns and experiences seriously.
- Ensure children and young people are informed about their rights, including their right to feel safe and to raise concerns or complaints.
- Create environments where children and young people feel respected, included and empowered to speak up.
- Support children and young people to raise concerns without fear of reprisal, discrimination or adverse consequences.

- Consider the diverse needs of children and young people, including Aboriginal and Torres Strait Islander children, children with disability, children from culturally and linguistically diverse backgrounds, and children with diverse identities and life experiences.

5. Families communities and Inclusion

Mercy Health is committed to fostering inclusive, respectful and culturally safe environments that uphold the rights, dignity and diversity of all children and young people. The organisation values and respects the unique identities, experiences and strengths of children and young people and is committed to ensuring that child safety practices are responsive to individual needs and circumstances. We support the cultural safety and self-determination of Aboriginal and Torres Strait Islander children and young people and ensure that children of all backgrounds, identities and abilities are respected, included and supported. Families, carers and communities are engaged, where appropriate, in promoting child safety and well-being.

6. Roles and Responsibilities

Roles and responsibilities under this Policy align with those outlined in the Mercy Health Safeguarding Framework.

7. Safe Recruitment and Screening

Recruitment documents reference the Mercy Health Safeguarding Commitment and that we are a child safe organisation which has a zero tolerance towards child abuse.

The process includes,

- Job adverts reference safeguarding.
- Interviews include safeguarding questions.
- Screening checks: [Aged Care – NDIS Scheme Worker Screening Check Procedure](#), [Screening Policy \(including Police Record Check and Working with Children and Vulnerable People\)](#), [Working with Children and Vulnerable People Checks Procedure](#), [National Criminal History \(Police Record or NDIS Worker Screening\) Check Procedure](#).
- Two (2) reference checks (include questions on applicant's suitability to work with children or vulnerable adults).
- All new staff are to complete the applicable safeguarding e-learn module as a part of on-boarding.
- Staff are to sign and comply with [Code of Conduct Policy](#) and [Code of Conduct with Children Policy](#)
- Staff are required to read and become familiar with key safeguarding policies/procedures.
- Staff are required to read and sign the Mercy Code of Conduct (group wide) and Code of Conduct Child Safety (Health Services Only).

Link with Organisational Values

Respect

- This policy promotes **respect** for the dignity of each individual through its emphasis on openness, integrity and justice in our practice.

Title: Child Safety and Protection of Children Policy**Division:** Mercy Health Australia LTD**Approved by:** Executive Director Transformation and Improvement**Definitions**

Term	Definition
Abuse	Abuse means any act or omission that causes harm or places a child or young person at risk of harm, including physical abuse, sexual abuse, emotional or psychological abuse, neglect and exposure to family violence.
Child	Means a person under 18 years of age.
Child Abuse	Includes any act committed against a child involving: • Physical violence. • Sexual offences. • Emotional or psychological abuse. • Serious neglect.
Code of Conduct	Defines the expected standards of conduct for Mercy Health staff, volunteers, students and contractors, including behaviours that promote safety, respect and well-being, and behaviours that are inappropriate when interacting with children, young people, patients, consumers, families and carers.
Reasonable belief or grounds	May be formed when: • a child states that they have been abused. • a child states that they know someone who has been abused (sometimes the child may be talking about themselves). • someone who knows a child states that the child has been abused. • professional observations of the child's behaviour or development leads a professional to form a belief that the child has been abused. • signs of abuse leads to a belief that the child has been abused.
Safeguarding	At Mercy Health, Safeguarding means taking reasonable and proactive measures to protect the safety, dignity and human rights of every person in or connected to our care. We strive to support people throughout their lives to live as well as possible by delivering safe, person-centred care, services and by preventing harm, abuse, neglect, and exploitation.
Staff	Includes employees, contractors and volunteers of Mercy Health.

Links to Related Documents

- [Code of Conduct Policy](#)
- [Protection of Children Procedure](#) - NSW
- [Protection of Children Procedure VIC](#)
- [Protection of Children Procedure QLD](#)
- [Protection of Children Procedure ACT](#)
- [Protection of Children Procedure WA](#)

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- [Safeguarding Children and Vulnerable People Policy](#)
- [Healthy Ageing - Child Safety Procedure](#)
- [Working with Children and Vulnerable People Checks Procedure](#)
- [Screening Policy \(including Police Record Check and Working with Children and Vulnerable People\)](#)

Evaluation

A range of tools will be used to evaluate compliance with this Policy, including incident reports, complaints and audit results where applicable. Compliance will also be monitored through established safeguarding governance and reporting mechanisms.

Risk Rating

Minor (4 year document review period).

Key Legislation, Acts, Standards & References

Act / Reference	Jurisdiction
<i>Children and Young People Act 2008</i> (ACT)	ACT
<i>Crimes Act 1900</i> (ACT)	ACT
Child Safe Standards	NSW
Child Wellbeing and Child Protection - Policies and Procedures for NSW Health	NSW
<i>Children's Guardian Act 2019</i> (NSW)	NSW
<i>Child Protection (Working with Children) Act 2012</i> (NSW)	NSW
<i>Crimes Act 1900</i> (NSW)	NSW
<i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW)	NSW
<i>Children and Young Persons (Care and Protection) Regulation 2012</i> (NSW)	NSW
<i>Children's Guardian (Transitional) Regulation 2020</i> (NSW)	NSW
<i>Health Services Act 1997</i> (NSW)	NSW
Managing Misconduct, Serious Performance and Child Related Concerns	NSW
Office of the Children's Guardian	NSW
Family and Community Services	NSW
Reportable Conduct Scheme	NSW
<i>Child Protection Act 1999</i> (Qld)	QLD
<i>Criminal Code Act 1899</i> (Qld)	QLD
<i>Child Wellbeing and Safety Act 2005</i> (Vic)	VIC
<i>Children, Youth and Families Act 2005</i> (Vic)	VIC
Child Safe Standards	VIC
Commission for Children and Young People Victoria.	VIC
<i>Crimes Act 1958</i> (Vic)	VIC
<i>Family Violence Protection Act 2008</i>	VIC

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Healthcare that counts: A framework for improving care for vulnerable children in Victorian health services . State of Victoria, Department of Health and Human Services, March 2017.	VIC
<i>Children and Community Services Act 2004</i> (WA)	WA
National Catholic Safeguarding Standards	AUS
National Principles for Child Safe Organisations	AUS
Royal Commission into Institutional Responses to Child Sexual Abuse	AUS

Keywords

child protection, child abuse, vulnerable children, protection, at risk, safe, safety

Version History & Author / Contributors

V.	Date Created (MM/YYYY format)	Section(s) Changed (e.g. policy/definitions/references)	Created/Amended by (position title)
1	09/2019	New policy	General counsel
2	04/2020	Amended to include additional compliance obligations and reporting pathway for the reportable conduct scheme	General counsel
3	12/2020	Amended to broaden scope of Policy	EO to GCEO
4	3/2021	Review date amended to meet external compliance standard of 3 years	EO to GCEO
5	08/2021	Amended to include additional failure to report offence reference in Queensland	Compliance Officer
6	06/2023	Policy consolidated with the Child Safety Policy to reduce duplication	Executive Director Quality, Innovation and Safety
7.	06/2026	Policy consolidated with the Child Safety Policy to reduce duplication, updated links to standards.	Safeguarding Program Lead, Early Parenting Centres DON's, Family Violence and Safeguarding Program, National Director Quality, Healthy Ageing

Appendix A: National Child Safe Principles, Victorian Child Safe Standards and NSW Child Safety Standards

No	Victorian Child Safe Standard and National Principles	National	Vic	NSW
1	Child safety and well-being is embedded in organisational leadership, governance and culture	✓	✓	✓
2	Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously	✓	✓	✓
3	Families and communities are informed and involved in promoting child safety and well-being.	✓	✓	✓
4	Equity is upheld and diverse needs respected in policy and practice.	✓	✓	✓
5	People working with children and young people are suitable and supported to reflect child safety and well-being values in practice.	✓	✓	✓
6	Processes for complaints and concerns are child-focused.	✓	✓	✓
7	Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.	✓	✓	✓
8	Physical and online environments promote safety and well-being while minimising the opportunity for children and young people to be harmed.	✓	✓	✓
9	Implementation of the Child Safe Standards is regularly reviewed and improved.	✓	✓	✓
10	Policies and procedures document how the organisation is safe for children and young people.	✓	✓	✓
11	Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.		✓	

Appendix C: Legislation and Mandatory Reporting Obligations

Act	Requirement	Applicable to	Comments
ACT			
<i>Children and Young People Act 2008</i> (ACT)	Mandatory reporting	Mandated reporters	Applies to registered nurses who form a view on reasonable grounds though their work, that a child or young person has or is experiencing sexual abuse or non-accidental physical injury.
	Voluntary reporting	All staff	
<i>Crimes Act 1900</i> (ACT)	Failure to report	All staff	Applies to all people in the ACT
NSW			
<i>Crimes Act 1900</i> (NSW)	Failure to report	All staff	Applies to all people in NSW
<i>Crimes Act 1900</i> (NSW)	Failure to protect	If undertaking child-related work: - Mercy Care Centre Young - Home Care Services	Applies to those undertaking <i>child-related work</i> . Onus is on those in positions of responsibility to recognise risk posed by adult workers who may commit a child abuse offence against a child under the care, supervision or authority of Mercy Health.
<i>Children's Guardian 2019</i> (NSW)	Reportable conduct	- Mercy Health Albury - Mercy Care Centre Young	- Includes employees (contractors, sub-contractors and volunteers) conduct that arise outside the workplace - Must notify line manager

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<i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW)	Mandatory reporting	• Mercy Care Centre Young • Home Care Services providing services to children	Applies to registered medical practitioners, registered and enrolled nurses, and allied health professionals including physiotherapists, psychologists and occupational therapists
	Voluntary reporting	All staff	
Queensland			
<i>Child Protection Act 1999</i> (Qld)	Mandatory reporting	Mandated reporters	Applies to a registered nurse who forms a reasonable suspicion in the course of their work, that a child has suffered, is suffering or is at an unacceptable risk of suffering significant harm caused by physical or sexual abuse
	Voluntary reporting	All staff	
<i>Criminal Code Act 1899</i> (Qld)	Failure to report	All staff	Applies to all adults in QLD
Victoria			
<i>Crimes Act 1958</i> (Vic)	Failure to protect	• All areas which exercise care, supervision or authority over children.	Onus is on those in positions of responsibility to recognise risk posed by adult workers who may commit a child abuse offence against a child under the care, supervision or authority of Mercy Health.
	Failure to disclose	All VIC staff	Applies to all adults in VIC
<i>Child Wellbeing and Safety Act 2005</i> (Vic)	Oversight and enforcement of Child Safe Standards	• All VIC Health Services including Mercy Mental Health • All VIC Home Care Services	Refer to Protection of Children Procedure VIC

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	Reportable Conduct	• All VIC Health Services including Mercy Mental Health • All VIC Home Care Services	Refer to Protection of Children Procedure VIC
<i>Children Youth and Families Act 2005 (Vic)</i>	Mandatory reporting	Mandated staff in all services in VIC.	Applies to registered medical practitioners, nurses, midwives, registered psychologists and people in religious ministry.
	Voluntary reporting	All VIC staff	
Western Australia			
<i>Children and Community Services Act 2004 (WA)</i>	Mandatory reporting	Mandated reporters	Applies to registered nurses who in the course of their work, form a reasonable belief that a child is or has been the subject of sexual abuse.