

Completed by: Tanya Frost - Child Protection officer 2016  
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## Introduction:

Waverley Gymnastics Centre (WGC) is committed to promoting and protecting the interests and safety of children. WGC has zero tolerance for child abuse. Everyone working at WGC is responsible for the care and protection of children and reporting information about child abuse. Relevant Victorian legislation such as the *Children, Youth and Families Act 2005* and offences contained in the *Crimes Act 1958*.

Offence for failure to disclose child sexual abuse came into effect on 27 October 2014. The offence requires that any adult who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16) disclose that information to police. The offence applies to all adults in Victoria, not just professionals who work with children, unless they have a reasonable excuse.

*Crimes Act 1958 (Vic)* The Crimes Act was amended to include three new child safety offences. These include offences for:

- Grooming (maximum penalty of 10 years imprisonment);
- Failing to protect a child from becoming a victim to a sexual offence (maximum penalty of five years imprisonment); and
- Failing to report (to the police) a reasonable belief that a sexual offence has been committed against a child (maximum penalty of three years imprisonment).

*Child Wellbeing and Safety Amendment Act 2015 (Vic)*

The Victorian Government amended existing legislation to empower the Minister for Children and Early Childhood Development to ensure that 'applicable entities' adhere to standards to promote child safety, prevent child abuse and properly respond to allegations.

This power is far-reaching, and applies to nearly all not-for-profits (and some for-profit organisations), including those in the following sectors:

- Education;
- Disability;
- Religious bodies;
- Housing services;
- Residential facilities of boarding schools;
- Coaching or tuition services;
- Counselling services;
- Cultural, sport or recreation groups / clubs / associations;
- Camps;
- Beauty competitions;
- Photography businesses;
- Babysitting services;
- Commercially or publicly funded transport services;
- Entertainment or party services;
- Care services (i.e. family day care, long day care, preschool & kindergartens);
- Children's services;
- Maternal and health care service providers;
- Mental health care services;
- Drug or alcohol treatment facilities;
- Family violence or sexual assault services;
- Support services for parents and families;

- Youth services; and
- Local councils.

The amendments mandate that these organisations captured by this legislation must have in place:

1. Strategies to embed an organisational culture of child safety, including effective leadership arrangements;
2. A child-safe policy or statement of commitment to child safety;
3. A code of conduct that establishes clear expectations for appropriate behaviour with children;
4. Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel;
5. Processes for responding to and reporting suspected child abuse;
6. Strategies to identify and reduce or remove risks of child abuse; and
7. Strategies to promote the participation and empowerment of children. These obligations come into effect in two phases, applying to most Victorian not-for- profits from January 1, 2016.

Further information is available here:

<http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/new-criminal-offences-to-improve-responses-to-child-sexual-abuse>

### **Purpose:**

The purpose of this policy is:

- **To prevent child abuse occurring within WGC.**
- **To work towards an organisational culture of child safety.**
- **To prevent child abuse within WGC.**
- **To ensure that all parties are aware of their responsibilities of identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs.**
- **To provide guidance to staff/volunteers/contractors as to action that should be taken where they suspect any abuse within or outside of the organisation.**
- **To provide a clear statement to staff/volunteers/ contractors forbidding any such abuse.**
- **To provide assurance that any and all suspected abuse will be reported and fully investigated.**

## Policy:

WGC is committed to promoting and protecting at all times the best interests of children involved in its programs.

All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from abuse.

WGC has zero tolerance for child abuse. Everyone working at WGC is responsible for the care and protection of the children within our care and reporting information about suspected child abuse.

Child protection is a shared responsibility between the WGC directors, employees, workers, contractors, associates, and members of the WGC community.

WGC will consider the opinions of children and use their opinions to develop child protection policies.

WGC supports and respects all children, staff and volunteers. WGC is committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.

If any person believes a child is in immediate risk of harm, telephone 000.

## Procedures:

### Responsibilities

The **Director, coaches, administration and committee** of WGC have ultimate responsibility for the detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place. The Committee is also responsible for ensuring that appropriate policies and procedures and a Child Protection Code of Conduct are in place.

The WGC **Director** is responsible for:

- Dealing with and investigating reports of child abuse;
- Ensuring that all staff, contractors, and volunteers are aware of relevant laws, organisational policies and procedures, and the organisation's Code of Conduct;
- Ensuring that all adults within the WGC community are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures;
- Ensuring that all staff, contractors and volunteers are aware of their obligation to observe the Code of Conduct (particularly as it relates to child safety);
- Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.
- Report any reasonable belief that a child's safety is at risk to the relevant authorities (such as the police and / or the state- based child protection service) and fulfill their obligations as mandatory reporters;
- Report any suspicion that a child's safety may be at risk to their supervisor (or, if their supervisor is involved in the suspicion, to a responsible person in the organisation); **and**
- Provide an environment that is supportive of all children's emotional and physical safety.

All **managers/senior staff** must ensure that they:

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

All **staff/volunteers/contractors** share in the responsibility for the prevention and detection of child abuse, and must:

- Familiarise themselves with the relevant laws, the Code of Conduct, and WGC's policy and procedures in relation to child protection, and comply with all requirements;

The **Committee** will ensure that:

- There is a member on the committee that has completed the child wise course in child protection.
- Each member on the committee will have a current working with children's check which will be sighted on initiation and post every new check.
- This policy is reviewed annually and will remain in keeping with recommendations from Child Wise.
- Not all of the committee will be aware of every child protection matter within WGC, however the Child Protection Officer and in their absence (or if deemed inappropriate) the appointed President will be notified of any matters. This can be overruled under the documented advisement of child wise and/or by law.
- The child protection officer will keep a confidential folder of all events outlining steps taken and conclusion of reported matters.

### Definitions (as per Child Wise):

**Child** means a person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

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

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

**Child sexual assault** is any act, which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. 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 the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

**Reasonable grounds for belief** is a belief based on reasonable grounds that child abuse 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.

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

- The child is in need of protection,
- The child has suffered or is likely to suffer “significant harm as a result of physical injury”,
- The parents are unable or unwilling to protect the child.

A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof, but is more than mere rumour or speculation.

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

- *A child states that they have been physically or sexually abused;*
- *A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);*
- *Someone who knows a child states that the child has been physically or sexually abused;*
- *Professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or*
- *Signs of abuse lead to a belief that the child has been physically or sexually abused.*

## **Employment of New Personnel:**

WGC undertakes a comprehensive recruitment and screening process for all workers and volunteers which aims to:

- Promote and protect the safety of all children under the care of the organisation;
- Identify the safest and most suitable people who share WGC’s values and commitment to protect children; and
- Prevent a person from working at WGC if they pose a risk to children.
- Require all workers/ volunteers to pass through the organisation’s recruitment and screening processes prior to commencing their engagement with WGC.
- Require applicants to provide a police check in accordance with the law and hold a current working with children’s check, before they commence working at WGC and during their time with WGC at regular intervals.
- Undertake thorough reference checks as per the approved internal procedure. Once engaged, workers/volunteers must review and acknowledge their understanding of, and compliance with, this Policy.

## **Risk Management:**

WGC has a risk and compliance check to identify and manage risks at Waverley Gymnastics Centre. WGC will ensure that child safety is a part of its overall risk management approach. Risk and compliance checks will involve any child protection risks through continual and incidental review.

## **Reporting:**

Any staff member, volunteer or contractor who has grounds to suspect abusive activity must immediately advise their supervisor of their concern, the director of WGC, the child protection officer, appropriate child protection service or the police.

In situations where the supervisor is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the next highest level of supervision.

Supervisors must report complaints of suspected abusive behaviours or misconduct to the director or child protection officer and also to any external regulatory body such as the police.

Examples as supplied by Child Wise can be used as a guide:

**Example of immediate danger:** A father has picked child up from school and the school is aware that he is not authorised to do so because of a history of abuse. The school must contact the police.

**Example of non-immediate danger:** A child has been acting up in school and the school is aware that his parents have broken up and that there is a history of domestic violence against the mother – in this case action must be taken but it would be more appropriate to raise the concerns with the relevant body than to call the police emergency line.

### Mandatory Reporting:

Section 182 of the *Children, Youth and Families Act 2005* contains a list of all the people who must make a report to child protection.

VIC	<i>Children, Youth and Families Act 2005 (Vic)</i>	<ul style="list-style-type: none"> <li>Registered medical practitioners, midwives and registered nurses</li> <li>Teachers registered or granted permission to teach under the Education, Training and Reform Act 2006</li> <li>Principals</li> <li>Police</li> </ul>	<p>A mandated reporter must make a report if:</p> <ul style="list-style-type: none"> <li>They form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse;</li> <li>The parents cannot or will not protect the child; and</li> <li>The belief is formed in the course of practising his/her position of employment.</li> </ul> <p>NB: exceptions may apply.</p>	<p>A person under 17 years old</p>
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### Voluntary Reporting:

VIC	<i>Children, Youth and Families Act 2005 (VIC)</i>	Any person	<p>A voluntary reporter may make a report if the person has a significant concern for the wellbeing of a child.</p>	<p>A person under 17 years old</p>
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VIC	<b>Department of Health and Human Services</b>	
	During business hours – contact the appropriate local government area:	
	Northern and western suburbs	1300 664 977
	Eastern suburbs	1300 360 391
	Southern suburbs	1300 655 795
	South-western rural and regional	1800 075 599
	Western rural and regional	1800 000 551
	North-western rural and regional	1800 675 598
	North-eastern rural and regional	1800 650 227
	Eastern and south-eastern rural and regional	1800 020 202
	<b>After hours and to report concerns about the immediate safety of a child:</b>	
	Child Protection Crisis Line (24 hours)	13 12 78
	<b>Victoria Police - Sexual Offences and Child Abuse Investigation Team (SOCIT)</b>	
	Contact the appropriate local office:	
North-West Metropolitan	(03) 8690 4056	
Southern Metropolitan	(03) 9556 6128	
Western Victoria	(03) 5448 1420	
Eastern Victoria	(03) 5820 5878	

## Investigating:

If the appropriate child protection service or the police decide to conduct an investigation of this report, all WGC employees, contractors or volunteers must co-operate fully with the investigation.

Whether or not the external authorities decide to conduct an investigation, the WGC director or delegate will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any proceeding of the authorities, the director or child protection officer may decide to conduct such an investigation. All employees, contractors and volunteers are required to fully co-operate with the investigation.

Any such investigation will be conducted according to the rules of natural justice.

The director or child protection officer will make every effort to keep any such investigation confidential; however, from time to time other members of staff may need to be consulted in conjunction with the investigation.

After an initial review and a determination that the suspected abuse warrants additional investigation, the director or child protection officer shall coordinate the investigation with the appropriate investigators and / or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

## Responding:

If it is alleged that a member of staff, contractor or a volunteer may have committed an offence or have breached the organisation's policies or its Code of Conduct the person concerned may be stood down (with pay, where applicable) while an investigation is conducted.

If the investigation concludes that on the balance of probabilities an offence (or a breach of the organisation's policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organisation. The findings of the investigation will also be reported to any external body as required.

### Privacy:

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. WGC will have safeguards and practices in place to ensure any personal information is protected.

Everyone is entitled to know how the personal information is recorded, what will be done with it, and who will be able to access it.

### Review:

No less than every two years, and following every reportable incident, a review shall be conducted to assess whether the organisation's child protection policies or procedures require modification to better protect the children under the organisation's care. This will be completed by the child protection officer and submitted for approval by the WGC Committee.

### Related Documents:

- Risk Management Policy
- Staff Recruitment Policy
- This policy must be read in conjunction with:
  - The law of the Commonwealth or of the relevant state or territory;
  - The organisation's Code of Conduct;
  - Termination of Employment Policy and Misconduct Procedures.

## Code of conduct for employees, volunteers and contractors working with children and young people:

Management, staff, volunteers and contractors at WGC are required to abide by this Code.

Under the Director, management will:

- Be responsible for the overall welfare and wellbeing of staff and volunteers;
- Be accountable for managing and maintaining a duty of care towards staff and volunteers; and
- Nominate a Child Protection Officer to provide information and support to all staff, volunteers, children, young people and their carers regarding child protection matters.

All people involved in the care of children on behalf of WGC will:

1. Work towards the achievement of the aims and purposes of the organisation;
2. Be responsible for relevant administration of programs and activities in their area;
3. Maintain a duty of care towards others involved in these programs and activities;
4. Establish and maintain a child-safe environment in the course of their work;
5. Be fair, considerate and honest with others;
6. Treat children and young people with respect and value their ideas and opinions;
7. Act as positive role models in their conduct with children and young people;

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8. Be professional in their actions;
9. Maintain strict impartiality;
10. Comply with specific organisational guidelines on physical contact with children;
11. Respect the privacy of children, their families and teachers/carers, and only disclose information to people who have a need to know;
12. Maintain a child-safe environment for children and young people;
13. Operate within the policies and guidelines of [Name of Organisation]; and
14. Contact the police if a child is at immediate risk of abuse (telephone 000).

No person shall:

1. Shame, humiliate, oppress, belittle or degrade children or young people;
2. Unlawfully discriminate against any child;
3. Engage in any activity with a child or young person that is likely to physically or emotionally harm them;
4. Initiate unnecessary physical contact with a child or young person, or do things of a personal nature for them that they can do for themselves;
5. Be alone with a child or young person unnecessarily and for more than a very short time;
6. Develop a 'special' relationship with a specific child or young person for their own needs;
7. Show favouritism through the provision of gifts or inappropriate attention;
8. Arrange contact, including online contact, with children or young people outside of the organisation's programs and activities;
9. Photograph or video a child or young person without the consent of the child and his/her parents or guardians;
10. Work with children or young people while under the influence of alcohol or illegal drugs;
11. Engage in open discussions of a mature or adult nature in the presence of children;
12. Use inappropriate language in the presence of children; or
13. Do anything in contravention of the organisation's policies, procedures or this Code of Conduct.

### **What happens if an individual breaches this Code of Conduct:**

If an employee, volunteer or member breaches this Code of Conduct s/he will face disciplinary action, including and up to termination of employment or cessation of engagement with the organisation.

**<http://www.workingwithchildren.vic.gov.au>**

Extract taken from Child Protection Standards 2016

### **Child Protection checklist for managers:**

Item	Checklist for managers	Yes/No	Where to go for help
10	Child Protection and Code of Conduct Policy:		

1	Do you understand the current social and legal context in your state and nationally concerning child protection?		See Part Three of the Child Protection toolkit
2	Does your organisation comply with Victorian child-protection laws? (Note: while not applying to other states/territories, the Victorian laws set a good benchmark for organisations in all states and territories.)		See Part Three of the Child Protection toolkit
3	Are you aware of the relevant child protection bodies operating in your state or territory?		See Part Six of the Child Protection toolkit
4	Are you aware of the laws that apply in your state that protect people who make reports about suspected child abuse or neglect?		See Part Four of the Child Protection toolkit
5	Has your organisation made a clear public statement about its attitude to prevention of and response to child abuse?		See Part Four of the Child Protection toolkit
6	Does your organisation have a child-safe policy, and does it include:		Child protection policy
	a. A statement expressing the organisation's commitment to child safety;		
	b. A definition of what constitutes child abuse;		
	c. Procedures and decision-making processes that surround the organisation's interactions and involvement with children;		
	d. An outline of your organisation's recruitment and supervision processes;		
	e. Processes for identifying and managing child abuse risks;		
	f. Processes for reporting and handling child abuse concerns and complaints;		
	g. Processes for managing communication about suspected or actual child abuse, both internally and externally;		Child protection policy

6	h. A description of the roles and responsibilities of personnel involved in protecting children, including the duty of care of the board, management, staff and volunteers;		
	i. A statement setting out the organisation's commitment to the cultural safety of culturally and/or linguistically diverse children (including Aboriginal children);		
	j. A statement setting out the organisation's commitment to the safety of children with a disability; and		
	k. Information about how the policy is implemented, governed and reviewed?		
7	Does your organisation have a code of conduct that establishes clear expectations of appropriate behaviour with children, and does it include:		Code of conduct in child protection policy
	a. Clear and specific standards of conduct for working with children in different situations relevant to the organisation;		
	b. Clear expectations of appropriate relationships with children for staff, volunteers and families (e.g. when it is appropriate for there to be physical contact, social media boundaries, etc.);		
	c. Instructions on how adults should respond to any risks adults may pose to children, or that children may pose to each other;		
	d. Guidance about how to deal with conduct that is not consistent with any applicable legislation or code;		
	e. Recognition of the needs of children from culturally and/or linguistically diverse backgrounds; and		
	f. Recognition of the needs of children with a disability and appropriate behaviour and relationships for personnel and children (e.g. appropriate ways to physically and emotionally assist a child with a disability).		
8	Are your policies, procedures, code of conduct and		

	other documents relating to child safety:		
	a. Written in plain English?		
	b. Publicly available?		
9	Have all relevant staff/volunteers received training in your organisation's child-safe policies and procedures?		Moore's can provide training tailored to your organisation's needs
10	Does your organisation's recruitment practices include, at a minimum:		See Part five of the Child Protection toolkit
	a. A documented process for recruitment that applies to all voluntary and paid roles?		
	b. Analysis of each role (prior to recruitment) to ensure an understanding of its child-safety risk context?		
	c. Inclusion of a child-safe statement in job advertisements and job descriptions?		
	d. Provision to all short-listed applicants a copy of your organisation's child protection policy and code of conduct?		
	e. Structured interviews that include questions designed to elicit information about the candidate's values, attitudes, aptitudes and work history?		
	f. An interview panel that includes at least one person with a knowledge of the dynamics of child abuse?		

	g. At least two verbal reference checks with employers who have directly supervised the selected candidate?		
	h. Google/internet checks of any shortlisted candidate?		
	i. A working with children/police check relevant to the scheme operating in your state/s or territory?		
11	Have employee and volunteer induction materials been reviewed to ensure they comply with new child-protection laws?		See Part Three of the Child Protection toolkit
12	Does the organisation have a system in place to ensure knowledge of and compliance with its policies and procedures?		See Part four of the Child Protection toolkit
13	Does the organisation have an effective internal policy and procedure for managing complaints, unsatisfactory performance and misconduct?		Child protection policy
14	Are staff/volunteers aware of mandatory reporting requirements applying to them?		See Part Six of the Child Protection toolkit
15	Have staff and volunteers received training in relation to their privacy and confidentiality obligations?		Moore's can provide training tailored to your organisation's needs
16	Does your organisation make available to children age-appropriate information about what might constitute inappropriate behaviour towards them?		See Part four of the Child Protection toolkit

17	Do children under your organisation's care know who they can talk with if they are worried or feeling unsafe?		See Part four of the Child Protection toolkit
18	Does your organisation have a culture that supports the reporting of suspicions or allegations of child abuse to managers, police and other relevant authorities?		See Part four of the Child Protection toolkit
19	Does your organisation encourage open communication with families and carers?		See Part four of the Child Protection toolkit
20	Is information regarding how to make a complaint about the organisation or an employee of the organisation available to community members, including parents?		
21	Does your organisation have a stated commitment to acting immediately in relation to any reports of child abuse?		Child protection policy
22	Does your organisation have processes in place to ensure an immediate and appropriate response to suspected or actual child abuse or neglect?		Child Protection policy
23	Are all staff/volunteers clear to whom any reports of suspect or actual child abuse or neglect should be made, and by what methods?		See Part six of the Child Protection toolkit
24	Are children within your organisation's care given the opportunity to contribute to the development of		See Part four of the Child Protection toolkit

	child-protection policies and procedures?		
25	Does your organisation regularly (at least annually) review its child protection policies, procedures and practices?		See Part four of the Child Protection toolkit
26	Do you have in place strategies for ensuring you stay up to date with legal and other developments in this area?		See Part four of the Child Protection toolkit

### **Child Protection checklist for Staff/Volunteers:**

1	Are you aware of the warning signs of a potential child abuser?		
2	Do you know what grooming is, and what some of the signs of grooming might be?		See Part four of the Child Protection toolkit
3	Do you believe children in your organisation feel able to speak up about any concerns they may have about adult behaviour?		See Part Six of the Child Protection toolkit
4	Do you know to whom any reports of suspected or actual child abuse or neglect should be made, and by what methods?		See Part Six of the Child Protection toolkit
5	Are you aware of any mandatory reporting requirements that apply to you if you suspect child abuse.		See Part Six of the Child Protection toolkit
6	Would you feel confident and comfortable to disclose to management any child safety concerns you might have?		
7	Are you aware of your obligations to children and their parents/carers regarding privacy and confidentiality?		Moore's can provide training tailored to your organisation's needs –

8	Are you aware of what to do and who to contact if you receive a report of suspected child abuse or neglect?		See Part Seven of the Child Protection toolkit