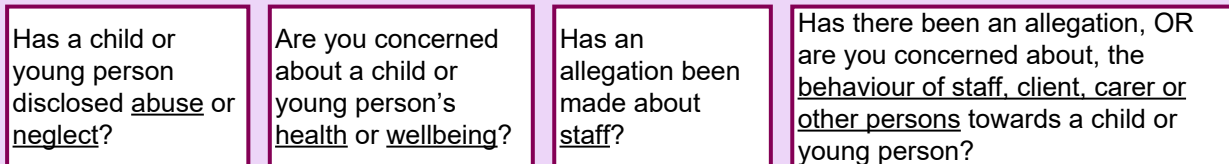


IDENTIFY

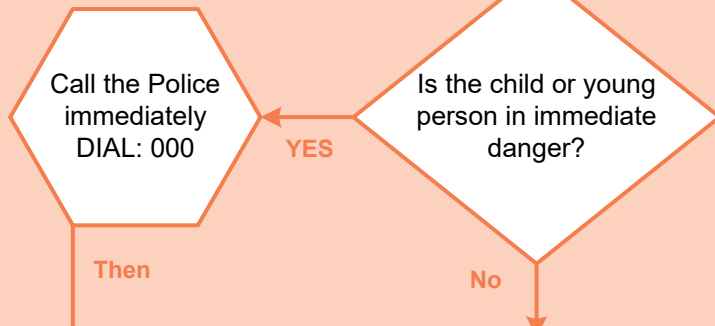
RESPOND

REPORT

MONITOR & UPDATE



When responding to a child or young person
Listen | Acknowledge | Reassure | Respond



If you have any concerns or you need guidance
Child Protection Manager on 0448 982 748
or
Executive Leader Health Safety and Risk on 0400 670 929

Then

Immediately contact and provide overview of situation to:
1. Your Manager
2. Child Protection Manager or Executive Leader Health Safety & Risk

Australian Capital Territory (ACT)

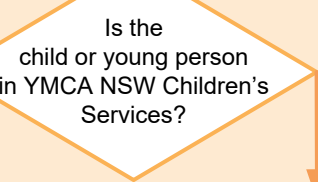
New South Wales (NSW)

ACT : If you called the police, call Child and Youth Protection Services on 1300 556 729 and follow instructions

If you did not call the police, complete the CCR <https://form.act.gov.au/smartforms/csd/child-concern-report/> and follow instructions

NSW: If you called the police, call NSW Child Protection Helpline on 132 111 and follow instructions

If you did not call the police, complete the MRG <https://reporter.childstory.nsw.gov.au/s/mrg> and follow instructions



In addition if the child/young person has a disability report within **24 hours or end of shift** to Y NSW Liaison Manager and NSW Ageing and Disability Helpline

Within 24 hours or end of shift complete NSW ChildStory (mrg) or ACT Child Concern Report (CCR) - Follow instructions and communicate outcome to your Manager and the Child Protection Manager

Report in Risk Wizard within 24 hours or end of shift. Include attachments – ChildStory(mrg)/CCR report, any reference number from external body and any additional documentation

Continue to
Monitor | Update | Document | Identify
If you continue to be concerned or other issues arise – repeat this process

Consider:
Support or services that families or a child/young person may need:
Family Referral Service

STAY SAFE TELL SOMEONE

STAY SAFE..... BE SAFE

Responding to Safeguarding Concerns Procedure

Every child has the right to be heard, protected and supported. YNSW (hereafter “the Y”) is committed to ensuring that equity is promoted, diversity respected and recognises the child and their family’s right to have their concern resolved.

All staff of The Y are required to report any form of child abuse or neglect according to applicable laws or the Y policy. All staff are required to action any additional reporting requirements at the direction of the Child Protection Manager or Executive Leader Health, Safety and Risk.

The legislation for mandatory/mandated reporters is contained within the following:

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

Children and Young People Act 2008 (ACT)

Staff of The Y must maintain the privacy and confidentiality of all persons involved in any safeguarding concern, except if doing so would compromise the welfare of a child or young person, any involved parties or any investigation of the allegation. If information is required by a Government Agency, consultation with the Child Protection Unit (CPU) must occur about any exchange of information.

Where an allegation against staff occurs, The Y has a responsibility to ensure staff are treated fairly and the individual’s rights are respected during any investigation or disciplinary process.

Procedure directions

| Step | Detail | Staff | CPU |
|---------------------------------|--|-------|-----|
| Identify indicators | Identify indicators that a child or young person has been, is being, or is at risk of being abused or neglected. Staff are to be vigilant for signs of abuse or neglect including: emotional or psychological abuse, physical abuse, sexual abuse, grooming, neglect (medical, education, supervision), witnessing family violence, sexual exploitation, harm, pre-natal harm, bullying and racial, gender, sexually diverse, cultural or religious abuse | ✓ | |
| Identify disclosure | Identify that a disclosure or allegation of abuse or neglect has occurred. Staff are to report all allegations or disclosures where: A child or young person has disclosed abuse or neglect An allegation is made about the behaviour of clients (including parent or guardian) towards a child or young person An allegation is made against staff An allegation is made about staff behaviour towards a child or young person This includes where: You are concerned about a child or young person’s health, welfare or wellbeing You are concerned about the behaviour of clients (including parent or guardian) or other persons towards a child or young person You are concerned about staff behaviour towards a child or young person | ✓ | |
| Responsibility to report | Responsibility to report arises when staff have: Current concerns about safety, welfare or wellbeing of a child or young person Concerns a child or young person is a risk of harm Reasonable grounds or belief to make a report based on information obtained during the course of (or because of) their work | ✓ | |

Responding to Safeguarding Concerns Procedure

| Step | Detail | Staff | CPU |
|-------------------------------------|--|-------|-----|
| Response to a disclosure | <p>If a child or young person discloses abuse it is vital to reassure, support and show care to the child or young person by:</p> <ul style="list-style-type: none"> Listening carefully to what the child or young person is saying, do not put words in their mouth Control your emotions and do not express panic or shock Acknowledge that it is hard to talk about difficult things Reassure the child or young person that telling you was the right thing to do and that you believe what they are saying Create a safe space for the child or young person to talk freely, let them know that they are not in trouble Indicate to the child or young person what you will do with the information (your obligation to report the concerns) Staff should continue to respond to the needs of the child or young person even after a report has been made | ✓ | |
| | <p>Allegations against staff: when an allegation or disclosure against a staff member is reported, this procedure must still be followed in relation to the child or young person</p> | ✓ | |
| Record | <p>Record the information, as far as possible, using the exact words, noting specific names, places, dates or actions mentioned</p> <p>Record the NSW Child Protection Helpline or ACT, CYPS reference number</p> <p>Any handwritten notes are to be retained. Notes, including any incident reports, witness statements etc are to be scanned and uploaded within the Risk Wizard report</p> | ✓ | |
| Response to immediate danger | <p>In urgent circumstances where there is immediate danger to a child or young person's health and/or safety that may require urgent intervention or action by the Police, contact the Police immediately on emergency number 000.</p> <p>Record the police reference number</p> | ✓ | |
| Report – External | <p>If the police were called, or if you have concerns for the safety, welfare and wellbeing of a child or young person who is in Out of Home Care (e.g. foster care, kinship care or residential care), immediately call the relevant State Helpline</p> <p>NSW: Directly report to the Child Protection Helpline (NSW). If you have a hearing impairment, telephone TTY: 9633 7698 (24 hours).</p> <p>Telephone: 132 111</p> <p>ACT: Directly report to the Child and Youth Protection Services (ACT).</p> <p>Telephone: 1300 556 729</p> <p>Email: childprotection@act.gov.au</p> <p>Receive a reference number, document any instructions or conversations.</p> | ✓ | |

Responding to Safeguarding Concerns Procedure

| Step | Detail | Staff | CPU |
|------|---|-------|-----|
| | <p><u>If the police were not called</u></p> <p>NSW: Complete the ChildStory (previously known as Mandatory Reporting Guide (MRG)) online: https://reporter.childstory.nsw.gov.au/s/ChildStory</p> <p>ACT: Complete the Child Concern Report (CCR) online: https://form.act.gov.au/smartforms/csd/child-concern-report/</p> <p>Where the incident is relating to child/young person that has an NDIS Case Plan, report the abuse or neglect to the Y NDIS Liaison manager at NDIS@ymcansw.org.au. Liaison manager must report to NDIS Quality and Safeguarding Commission within 24 hours at reportableincidents@ndiscommission.gov.au</p> <p>Notify The Y Child Protection Unit (CPU) of the outcome as soon as the online report is complete</p> | ✓ | |
| | <p>Immediately follow instructions from CHILDSTORY/CCR. Instructions may include, but are not limited to:</p> <ul style="list-style-type: none"> • Call NSW Child Protection Helpline on 132 111 • Call ACT Child and Youth Protection Services on 1300 556 729 • Monitor and document • Consult professionals <p>If a call to the relevant State Helpline is made receive a reference number, document any instructions or conversations</p> | ✓ | |
| | <p>Save the CHILDSTORY/CCR/NDIS report and upload to Risk Wizard by end of shift, or within 24 hours</p> | ✓ | |
| | <p>If the child or young person is in a Y Children's Service, and the incident is classified as a 'serious incident', within 24 hours notify Australian Children's Education and Care Quality Authority (ACECQA) through the portal https://www.acecqa.gov.au/resources/national-quality-agenda-it-system</p> <p>Threshold for serious incident: https://www.acecqa.gov.au/resources/applications/reporting</p> | ✓ | |
| | <p>If the report is being investigated by NSW Department of Communities and Justice or ACT Child Protective Services your details as a reporter are confidential and protected</p> | ✓ | |
| | <p>Report the allegation to the NDIS Quality and Safeguards Commission on 1800 035 544 or through their portal if the child or young person is being provided with support or services either by The Y or their own carer/service</p> | | ✓ |
| | <p>If the allegation involves a child or young person with a disability and The Y staff member/site or their carer (not their family) report the allegation of the incident to the NSW Ageing and Disability Helpline on 1800 628 22</p> | ✓ | |

Responding to Safeguarding Concerns Procedure

| Step | Detail | Staff | CPU |
|--------------------------|--|-------|-----|
| Report - Internal | Notify <ul style="list-style-type: none"> • your Manager and • Child Protection Manager of the incident and seek advice immediately. | ✓ | |
| | Where a serious allegation against a staff member has occurred, for example, reaching the NSW Children's Guardian's threshold for reportable conduct notify the: <ul style="list-style-type: none"> • Y National Safeguarding Unit • ACF Child Protection Unit • Y national Insurance, if appropriate | | ✓ |
| | Record incident in Risk Wizard as soon as practical or by the end of shift. If this cannot be achieved the incident must be logged within 24 hours. Staff without access to Risk Wizard must report the incident to their supervisor as soon as possible to ensure the matter is reported. | ✓ | |
| | Determine whether a Critical Incident Team (CIT) meeting (see <i>Critical Incident Procedure</i>) is required. A CIT meeting will review immediate actions to date including confirming what reporting obligations have been carried out. The CIT will determine: <ul style="list-style-type: none"> • How/when to notify a child or young person parent or guardian of an allegation • How/when to notify a staff member of an allegation/s, the investigation process, their rights and obligations and their support options. Staff should be reminded of the Employee Assistance Program and also the reminded to visit their General Practitioner should they require additional support through the process. • Whether an investigation of the allegation/s is required. If an investigation is required (see <i>Investigation Procedure</i>) the following bodies may need to be notified: <ul style="list-style-type: none"> • Australian Childhood Foundation (ACF) verbally within 24 hours for critical incidents and within 28 days for reportable conduct matters • Australian Children's Education and Care Quality Authority (ACECQA) within 24 hours • YAustralia as soon as practical • Y Australia National Safeguarding Unit • Additional stakeholders including, but not limited to, school principals, teacher and parent or guardian • Office of the Children's Guardian within 7 days | | ✓ |
| Update | Continue to liaise with The Y Child Protection Unit | ✓ | |
| | NSW: A Chapter 16A request may be required under the legislation to exchange information with Government Departments who hold information about a child or young person. If this is required contact the Child Protection Unit | | ✓ |
| | ACT: Part 25.3 provides for the sharing of protection information with Government Departments who hold information about a child or young person. If this is required contact the Child Protection Unit | | ✓ |
| Monitor | Monitor, update and action all incidents reported in Risk Wizard | ✓ | ✓ |
| | Regularly monitor records of child abuse reports to ensure that they are responded to effectively in accordance with this procedure | | ✓ |
| | Monitor the parties involved and if you continue to be concerned or other issues arise – repeat this process | ✓ | |

Responding to Safeguarding Concerns Procedure

| Step | Detail | Staff | CPU |
|-------------------------|--|-------|-----|
| | Continue to respond to the needs of the child or young person (within the limits of the work role) even after a report to NSW Child Protection Helpline or ACT Child and Youth Protection Services has been made | ✓ | |
| | Consider referrals to other services that may support the child, young person or family. Where concerns have not reached a threshold for reporting, staff are encouraged to contact the Child Protection Manager or Child and Family Manager to discuss relevant referrals for the child, young person or family such as the Family Referral Service | ✓ | |
| Maintain records | Restrict access to Risk Wizard incidents if required | | ✓ |
| | Restrict access to records: Store electronic documents within access-controlled folders Store physical documents within key-controlled cabinets | | ✓ |

Questions and answers

Is it a safeguarding concern when children are behaving poorly?

The answer to this may vary depending on the circumstances and should be assessed on a case by case, incident by incident, basis.

For example, a child who has gone missing from roll call may be a compliance matter rather than safeguarding or it may be that the incident requires two reports to be filed detailing both areas for example the child left the approved area AND he was playing chicken with cars. However, If it is one incident involving two (or more) children only one incident report is required.

The incident may be a Health and Safety matter if the issue was about a child hurting another child if it did not cause any injury or harm and did not reach a level of significant risk of harm to the other child. Again, it may be that the incident requires two reports if the level of the child's behaviour has reached such a point that the behaviour has become a risk of significant harm to another child or themselves.

Where behaviours are escalating, contact should also be made with the Area Manager followed by Quality and Compliance Managers. Further referrals can also be made to the Child and Family Manager.

Where the issues or concerns relate to child protection matters and/or have reached a critical point, contact should be made with the Child Protection Manager who will assess the situation and determine whether a CIT should be held, or if other options or actions could be explored.

Is there a time police are called on a non-emergency number?

If a report requires a follow up call, staff and/or CPU may call the Local Area Command (LAC) or the Joint Child Protection Response Program (JCPRP).

Implications

The Y considers that failing to report an instance, allegation, disclosure or concern relating to abuse or neglect of a child or young person is considered serious and may lead to disciplinary action, up to and including termination of employment or the cessation of the volunteer's engagement. YSW, or an authorised representative, will be obliged to report a suspected criminal offence to police.

All staff should demonstrate extended guardianship, and promptly report:

- complaints from children, young people or their families
- allegations or disclosures of child abuse or neglect
- concerns about child safety
- any breaches of this policy

Responding to Safeguarding Concerns Procedure

Who is a mandatory reporter?

Under the Children and Young Persons (Care and Protection) Act 1998 it is a breach of the legislation if, as a mandatory reporter, you fail to make a report to the Department of Communities and Justice. Staff of The Y are either mandated by law or mandated under The Y policies and procedures.

Under the *NSW Children's Guardian Act (NSW) 2019* it is an offence to, without lawful excuse, refuse or wilfully fail to comply with any lawful requirement of the Act.

Further, under section 316 of the *Crimes Act 1900 (NSW)* failure to report a crime or provide assistance to the police or other appropriate authority, may result in imprisonment for 2 years.

Where the matter concerns a children's services, failing to report an instance, allegation, disclosure or concern relating to abuse or neglect of a child, young person is an offence under the *Children (Education and Care Services National Law Application) Act 2010 (NSW)*.

Under section 356 of the *Children and Young People Act 2008 (ACT)* failure to report a Child Concern Report in a timely fashion, may result in a maximum penalty of 50 penalty units, imprisonment for 6 months or both.

Mandatory reporters in NSW should use the Mandatory Reporter Guide (MRG) if they have concerns that a child or young person is at risk of being neglected or physically, sexually or emotionally abused. The MRG assists in providing mandatory reporters with the most appropriate reporting decision. It is not designed to determine whether the matter constitutes risk of significant harm (ROSH). This is done at the Child Protection Helpline through the Screening and Response Priority (SCRPT) tool.

Related policies and procedures

For more details on how this procedure should be implemented, see the following policies and procedures:

- Standards of conduct
- Safeguarding children and young people policy (YAustralia)
- Safe behaviours policy
- Critical incident procedure
- Safeguarding investigation procedure

Related legislation

- *Children and Young Persons (Care and Protection) Act 1998 (NSW)*
- *Child Protection (Working with Children) Act 2012 (NSW)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Children (Education and Care Services National Law Application) Act 2010 (NSW)*
- *Education and Care Services National Law (ACT) Act 2011 (ACT)*
- *Information Privacy Act 2014 (ACT)*
- *Children and Young People Act 2008 (ACT)*
- *Human Rights Act 2004 (ACT)*
- *Mental Health Act 2015 (ACT)*
- *Mental Health Act 2007 (NSW)*
- *Children's Guardian Act (NSW) 2019*
- *Anti-Discrimination Act 1977 (NSW)*
- *Discrimination Act 1991 (ACT)*

Other references

- *Education and Care Services National Regulations 2011 (Cth)*
- *Child Protection (Working with Children) Regulation 2013 (NSW)*

Responding to Safeguarding Concerns Procedure

- United Nations General Assembly, *Convention on the Rights of the Child*, 20 November 1989 (entered into force 2 September 1990)
- Australian Children’s Education and Care Quality Authority (ACECQA)
<https://www.acecqa.gov.au/resources/applications/reporting>
- Child Wellbeing and Child Protection – NSW Interagency Guidelines
<http://www.community.nsw.gov.au/kts>
- *Children’s Guardian Act* (NSW) 2019 <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme>
- NSW Office of the Children’s Guardian <http://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/what-gets-checked-/risk-assessment>
- NSW making a child protection report - How do I know if a child or young person is being abused or neglected? http://www.community.nsw.gov.au/_data/assets/pdf_file/0010/336358/signs_abuse.pdf
- ACT reporting child abuse and neglect <http://www.communityservices.act.gov.au/ocys/child-and-youth-protection-services/report-child-abuse-and-neglect>
- ACT keeping children and young people safe
<http://www.communityservices.act.gov.au/ocys/publications/keeping-children-and-young-people-safe>

Definitions

| Term | Definition |
|-----------------|---|
| ACECQA | Australian Children’s Education and Care Quality Authority (ACECQA) is the independent national authority that guides the implementation of the National Quality Framework (NQF) for children’s education and care |
| Bullying | <p>Bullying involves behaviour that is unreasonable, repeated or persistent in nature and can be a range of behaviours over time which creates a risk to work health and safety. It is important to note that it is irrelevant whether the individual or individuals who are bullying intend to bully the victim.</p> <p>Bullying can be verbal, physical, social or psychological. In the workplace bullying may include, but is not limited to:</p> <ul style="list-style-type: none"> • Inappropriate use of power by one or more persons over another less powerful person or group • Physical contact or coercive behaviour, threatening gestures and inappropriate body language • Name calling and unwanted nicknames • Practical jokes or ‘initiation’ practices • On-going teasing, ridicule, sarcasm, name calling or spreading gossip or malicious rumours • Derogatory, dismissive or intimidating verbal and written statements made directly or through a third party • Persistently using inappropriate, insulting and/or abusive language • Excluding or isolating individuals from normal workplace interaction, or work-related social interaction • Constant threats to terminate or demote • Continual unjustified and unnecessary comments about a person’s standard of work or capacity for work • Setting unreasonable tasks, meaningless tasks unrelated to a person’s role or timelines or withholding information necessary to perform work • Minimisation or non-acknowledgement of individual work or contribution to team activities • Making a false, unfounded allegations about an individual with the intent to bring disrepute to the person |

Responding to Safeguarding Concerns Procedure

| Term | Definition |
|---|--|
| | <ul style="list-style-type: none"> • Pictures, posters, cartoons, graffiti or written material that may be offensive or obscene • Threatening or abusive communications, such as telephone calls, facsimiles or messages on email or social media • Stalking an employee within the workplace or to or from work |
| Child or young person | Y considers a child or young person to be a person under the age of eighteen years |
| Client | Any user of Y services, programs or facilities including children, young people, vulnerable adults, adults, families, parents, carers, guardians, and support workers |
| Emotional or psychological abuse | <p>Emotional or psychological abuse occurs when a child or young person does not receive the love, affection or attention they need for healthy emotional, psychological and social development</p> <p>Such abuse may involve repeated rejection or threats to a child or young person. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. These behaviours continue to an extent that results in significant damage to the child or young person's physical, intellectual or emotional wellbeing and development</p> |
| Grooming | Grooming 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 |
| Harm | <p>Harm, to a child or young person, is any detrimental effect of a significant nature on the child or young person's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:</p> <ul style="list-style-type: none"> • Physical, psychological or emotional abuse or neglect • Sexual abuse or exploitation • A single act, omission or circumstance • A series or combination of acts, omissions or circumstances |
| Mandatory reporter / mandated reporter | <p><u>YMCA NSW</u></p> <p>YMCA NSW stipulates that all staff are mandatory reporters of child abuse and neglect, regardless of whether they fall within the categories identified in the legislation</p> <p><u>New South Wales</u></p> <p>An individual required by law to report to Child Protection Helpline when they have reasonable grounds to suspect that a child, or class of children, is at risk of significant harm from abuse or neglect. A Mandatory Reporter under Section 27 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW) is:</p> <ol style="list-style-type: none"> a) a person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children b) a person who holds a management position in an organisation and the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children <p><u>Australian Capital Territory</u></p> <p>A mandated reporter under Section 356 of the <i>Children and Young People Act 2008</i> (ACT) is:</p> <ol style="list-style-type: none"> a) a person caring for a child at a childcare centre (this includes a childcare assistant or aide caring for a child at the childcare centre if the assistant or aide is in paid employment at the childcare centre, but does not include anyone caring for a child as an unpaid volunteer) b) a person who, in the course of the person's employment, has contact with or provides services to children, young people and their families and is prescribed by regulation |

Responding to Safeguarding Concerns Procedure

| Term | Definition |
|--|---|
| Neglect | Neglect is the persistent failure or deliberate denial to provide the child or young person with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, hygiene, medical attention or supervision to the extent that the child or young person's health and development is, or is likely to be, significantly harmed. Categories of neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of neglect must be considered within the context of resources reasonably available to the family |
| Parent / guardian | Parent – a person's legal mother or father Guardian – a person who is entrusted by law with the care of another person who is a minor or is someone legally incapable of managing their own affairs. Can also be called a carer in certain circumstances eg a person providing a service to a child or young person with a disability |
| Physical abuse | Physical abuse occurs when a person subjects a child or young person to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally, or inadvertently as a result of physical punishment or the aggressive treatment of a child. Physically abusive behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning and kicking. It also includes giving children or young people harmful substances such as drugs, alcohol or poison. Certain types of punishment, whilst not causing injury can also be considered physical abuse if they place a child or young person at risk of being hurt |
| Racial, cultural or religious abuse | Racial, cultural or religious abuse is conduct that demonstrates contempt, ridicule, hatred, or negativity towards a child/young person because of their culture, race or religion |
| Safeguarding | Safeguarding is the action that is taken to promote the safety, welfare and wellbeing of children and young people. This includes, but is not limited to: <ul style="list-style-type: none"> • protecting children and young people from abuse and/or neglect • preventing harm to children's welfare and wellbeing • ensuring children are provided with a child safe environment |
| Sexual abuse | Sexual abuse 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. It includes 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. (<i>Royal Commission into Institutional Responses to Child Sexual Abuse</i>) |
| Sexual exploitation | Sexual exploitation occurs when children or young people are forced into sexual activities that are then recorded in some way and/or used to produce pornography. Such pornography can be in the form of actual photos or videos or published on the internet. This can occur even if images of children were not specifically created for the purposes of pornography or gratification at the time of their production. Exploitation can also involve children or young people who are forced into prostitution |
| Staff | Any person Y employs or engages. This includes paid employees, volunteers, directors, contractors, consultants, and student placements |
| Witnessing family violence | Witnessing family violence is a specific form of emotional and psychological abuse. Witnessing family violence occurs when children or young people are forced to live with violence between adults in their home. It can include witnessing violence or the consequences of violence. Family violence is defined as violence between members of a family or extended family or those fulfilling the role of family in a child or young person's life. Exposure to family violence places children and young people at increased risk of physical injury and harm and has a significant impact on their wellbeing and development |

Responding to Safeguarding Concerns Procedure

Document control

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|----------------------------|---|
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