



Child Safe Environment Policy & Procedure

Policy No: 1-18000

Issue date: 2 August 2013

Issue No: 2

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Purpose

This policy was written to demonstrate the strong commitment of the management, employees and volunteers to child safety and establishing and maintaining child safe and child friendly environments.

Context

This policy reflects our commitment to provide a safe environment where every person has the right to be treated with respect and is safe and protected from harm.

It complies with our obligations under the Children's Protection Act 1993, including:

- Section 8B – 8D – Child Safe Environments and criminal history assessments for people working with children; and
- Section 11 – Mandatory reporting.

It also complies with the *Child safe environments: Principles of good practice* and the standards set out in *Child safe environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children* issued by the Chief Executive. (Section 8A, *Children's Protection Act 1993*).

Scope

This policy, from the date of endorsement, applies to people involved in the organisation, including:

- employees (permanent and casual)
- volunteers

A child/young person is a person under 18 years of age.

Review

This document will be reviewed annually in addition to as and when circumstances or best practice necessitates, or as required by law.

Responsible Person: Chief Operating Officer (COO)

Principles and policy framework

EQUALS International seeks to establish and maintain a safe environment for children, and to develop policies and procedures to that end.

The safety, protection and participation of children and young people is an integral aspect of the culture and practices of EQUALS International and of paramount importance to us.



As a child-safe organisation, we:

- take a preventative, proactive and participatory stance on child protection issues
- value and embrace the opinions and views of children
- encourage and assist children to build skills that will assist them to participate in society
- are sensitive to and focused on the protection of children
- take action to protect children from harm.

In developing our policies and procedures for establishing and maintaining our child-safe environments, we consider the following good practice principles:

1. Identify and analyse risk of harm
2. Develop a clear and accessible child-safe policy
3. Develop codes of conduct for adults and children
4. Choose suitable employees and volunteers
5. Support train, supervise and enhance the performance of our employees and volunteers
6. Empower and promote the participation of children in decision-making and service development
7. Report and respond appropriately to suspected abuse and neglect (mandatory reporting).

Creating our child safe environment is a dynamic process that involves active participation and responsibility by those involved in our organisation. **As a child-safe organisation, we work together to create a child safe environment.**

EQUALS International acknowledges and appreciates that building the awareness and capacity of those involved in our organisation to be child-safe is indispensable to developing and maintaining a child-safe environment and culture in our organisation.

The **framework for our child-safe environment** is set out in this document. The development and maintenance of our child-safe environment, and the good practice principles, are supported through policies, procedures and codes of practice implemented in our organisation, including but not limited to the following:



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Document	Author	EOS Reference
Code of Practice (general)	EQUALS International	1-5000
Quality Policy	EQUALS International	1-4000
Organisational Values	EQUALS International	1-6000
Risk Management	EQUALS International	1-12000
Discrimination & Equal Opportunity Policy	EQUALS International	1-13000
Disability Action Plan	EQUALS International	1-14000
Social Inclusion Policy	EQUALS International	1-16000
Staff Recruitment & Induction	EQUALS International	2-1000
Staff Appraisal & Training	EQUALS International	2-2000
Sexual Harassment Policy	EQUALS International	2-3000
Competence of Staff & Training Procedure	EQUALS International	2-4000
Workplace Facilities & Equipment Maintenance Procedure	EQUALS International	2-8000
OH&S Hazard Assessment Procedure	EQUALS International	3-1200
Records Management	EQUALS International	3-1600
Program Implementation Procedure	EQUALS International	3-1800
Ongoing Support Procedure	EQUALS International	3-2200
Guidelines for Computer Usage	EQUALS International	3-4000
Learner Code of Conduct (Learner Handbook)	EQUALS International	F 002
Complaints & Appeals Procedure	EQUALS International	3-3100
Bullying Policy & Procedure	EQUALS International	3-6200
Staff Induction Checklist	EQUALS International	F 089
Systems Review Meetings Procedures	EQUALS International	3-3900
Critical Incident Procedure	EQUALS International	3-5700
Learner Code of Conduct	EQUALS International	F 791



Definitions & references

A **Child** or **Young Person** is person under 18 years of age.

Abuse or **neglect**, in relation to a child, means:

- sexual abuse of the child; or
- physical or emotional abuse of the child, or neglect of the child, to the extent that either:
 - the child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's well being
 - the child's physical or psychological development is in jeopardy.

Under Section 11 of the *Children's Protection Act 1993*, certain groups of people are required to report to Families SA if they suspect on reasonable grounds that a child is being abused or neglected and this suspicion is formed in the course of their work. This is a legal obligation which carries a penalty if the individual fails to comply. These people are referred to as **mandated notifiers**, and include:

- medical practitioners
- pharmacists
- registered or enrolled nurses
- dentists
- psychologists
- police officers
- community corrections officers (an officer or employee of an administrative unit of the Public Service whose duties include the supervision of young or adult offenders in the community)
- social workers
- ministers of religion
- employees or volunteers of organisations formed for religious or spiritual purposes
- teachers in educational institutions (including kindergartens)
- approved family day care providers
- any other person who is an employee of, or volunteer in, a government or non government organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children, being a person who:
 - is engaged in the actual delivery of those services to children
 - holds a management position in the relevant organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children.

Reasonable grounds to report suspected abuse and/or neglect may include:

- when a child tells you she/he has been abused
- when your own observations of a particular child's behaviour and/or injuries lead you to suspect abuse is occurring
- a child telling you that they know of someone who has been abused (she/he may possibly be referring to her/himself)
- when you hear about it from someone who is in a position to provide reliable information, perhaps a relative or friend, neighbour or sibling of the child who is at risk.

Child-Safety Officer refers to Marie Chittleborough (email: mchittleborough@equals.edu.au or phone (08) 8110 1200).



Commitment to child safety (including risk management)

All children who come to EQUALS International have a right to feel and be safe. We are committed to the safety and well-being of all children and young people accessing our services and the welfare of the children in our care will always be our first priority. We aim to create an environment which is both child-safe and child-friendly, where children feel respected, valued and encouraged to reach their full potential.

As part of our commitment, we:

- have appointed a **Child-Safety Officer** as a **first point of contact** to provide advice and support to children, young people, parents, employees, volunteers and other people involved in our organisation regarding the safety and well-being of children in our organisation;
- have implemented disciplinary processes and grievance procedures for behaviour which fails to meet or breaches our child-safe policies, procedures, guidelines and codes of conduct.

To ensure that our organisation maintains a child-safe environment we encourage any person involved in our organisation or concerned for the safety, protection and participation of children and young people to **contact** our **COO** or **Child-Safety Officer** to:

- discuss any aspect of our child-safe policies, procedures, guidelines and codes of conduct, or our practices and culture that may be unclear, inconsistent or require improvement;
- share ideas or suggestions for change or improvement;
- report or inform us about any behavior or practice (individual or collective) that may be offending;
- devaluing, eroding, conflicting with or in any way detracting from our child-safe policies, procedures, guidelines and codes of conduct or the safety and quality of our environment for children;
- to request and obtain further information, education or training about child safety and protection matters or assistance in implementing our policies and procedures;
- to clarify the person's responsibilities in respect of child safety and protection matters;
- request and obtain any support and guidance where concerns are held about harm to a child or young person.

Children's participation

EQUALS International encourages and respects the views of children and young people who access our services. We listen to and act upon any concerns that children, young people or their families raise with us. We teach children what they can do if they feel unsafe.

We ensure that children, young people and their families know their rights and how to access the complaints procedures available to them.

A child or young person can approach any person in the organisation to express concerns about their treatment and their concerns will be taken seriously and be acted upon with due speed, fairness and transparency.

We value diversity and do not tolerate any discriminatory practices.



Recruitment practices

EQUALS International takes reasonable steps to ensure that it engages the most suitable and appropriate people to work with children. We employ a range of screening measures and apply standards in the screening and recruitment of employees and volunteers. We interview and conduct referee checks on our employees.

We conduct criminal history assessment for people working with children, as set out in Section 8B of the *Children's Protection Act 1993*. Criminal history assessments are required for anyone within our organisation that is appointed to, or will be engaged in, '**prescribed functions**' as defined in that Section, including functions that involve:

- regular contact with children which is not directly supervised at all times; or
- working in close proximity to children on a regular basis which is not directly supervised at all times; or
- supervising or managing persons who:
 - have regular contact with children; or
 - work in close proximity to children on a regular basis; or
- access to sensitive records relating to children or young people.

Our recruitment process as it relates to conducting criminal history assessments is set out in [appendix 1](#).

Exemptions from this requirement may apply in some circumstances.

We ensure that criminal history information is dealt with in accordance with the standards set out in *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*, issued pursuant to Section 8A of the *Children's Protection Act 1993*.

Candidates for employment or volunteering who we establish are Mandatory Notifiers (as defined by and pursuant to the Children's Protection Act) are made aware of the fact as part of their induction to our workplace, and arrangements are made for them to undertake current mandated notification training, *Child-Safe Environments – Reporting Child Abuse and Neglect* (unless they have adequate proof that they have already done so) as soon as practical, but in any event before for they engage in prescribed functions.

Code of conduct

People involved in our organisation are made aware of, and must abide by, our code of conduct ([Appendix 2](#)).

Strategies we have implemented include:

- providing public, prominent, user-friendly access to our code of conduct, including on our website;
- requiring employees and volunteers, and others individuals involved in our organisation (as appropriate), to sign a written statement indicating that they have read and will abide by our policy and code of conduct.



Support for employees and volunteers

EQUALS International seeks to attract and retain the best employees and volunteers. We provide support and supervision so people feel valued, respected and fairly treated. We ensure that employees/volunteers who work with children have ongoing supervision, support and training so that their capacity is developed and enhanced to promote the establishment and maintenance of a child safe environment.

Strategies we have implemented include:

- Ensuring our employees and volunteers who we establish are Mandatory Notifiers (as defined by and pursuant to the Children's Protection Act) are made aware of the fact as part of our induction process (for new employees and volunteers) or as soon as reasonably practical after the fact is established (in respect of current employees and volunteers i.e. those who become Mandated Notifiers at some point after induction to our workplace, or those who are Mandated Notifiers at the date this policy comes into effect).
- Employees and volunteers
 - involved in prescribed functions pursuant to s. 8B of the Children's Protection Act (and who are therefore required to under a criminal history assessment in order to work with children); or
 - who are Mandated Notifiers (as established by s. 11(2) of the Children Protection Act)are educated on areas including the reporting process (to the Child Abuse Report Line, and internally) and our child-safe environment code of conduct (Appendix 2);
- Employees and volunteers involved in prescribed functions or who are *Mandatory Notifiers undertake, or will have undertaken, current mandated notification training, Child-Safe Environments – Reporting Child Abuse and Neglect. No employee or volunteer will engage in a prescribed function as defined in the **Children's Protection Act** without having first undertaken appropriate induction and training.*
- Employees and volunteers are encouraged to consult the Child Safety Officer as a first point of contact for all child protection matters.



Reporting and responding to suspected child abuse and neglect

EQUALS International will not tolerate incidents of child abuse or neglect.

Anyone who suspects, on reasonable grounds, that a child or young person is being abused or neglected **should** report it to Families SA, through the Child Abuse Report Line on **13 14 78**.

All employees and volunteers who are **mandated notifiers** understand:

- their **legal obligation** to notify the Child Abuse Report Line on **13 14 78** as soon as practicable if they have a reasonable suspicion that a child has been, or is being, abused or neglected.
- That they do not necessarily **exhaust** their duty of care to a child by making a notification. Further action may be required.

Employees and volunteers are required to follow EQUALS International's 3-3100 *Complaints & Appeals Procedure*

From time to time we provide opportunities for employees and volunteers to attend information sessions and training about mandatory reporting obligations.

By extending opportunities for learning about child safety and protection to others in our organisation who are not mandated notifiers, we encourage everyone in our organisation to have an awareness about the potential for abuse or neglect and to respond appropriately and ethically to disclosures or reasonable suspicion that a child or young person has been abused or neglected and/or at risk of being abused or neglected.

We also ensure that people involved in our organisation have access to relevant information resources such as:

- *Child safe environment: Guidelines for mandated notifiers and information for organisations* (also available to view or download from www.families.sa.gov.au/childsafesite);
- Families SA reporting child abuse website:
<http://www.dfc.sa.gov.au/pub/default.aspx?tabid=485>;
- Free online SMART (Strategies for Managing Abuse Related Trauma) Learning package, developed by the Australian Childhood Foundation: www.childhood.org.au

We ensure that support is also available for any person involved in our organisation making a report, particularly where an ongoing service is provided to the child, young person and their family.

Supporting children, young people and their families

Child protection is everyone's responsibility. EQUALS International recognises that even where a report is made, we may still have a role in supporting the child or young person. This support may include:

- Referring the child, young person or their family to other appropriate services
- Displaying information about services that can assist children and their families (such as the Kids Helpline and Youth Healthline) in areas accessed by children and their families.



Dealing with reports or concerns relating to the actions of an employee or volunteer of our organisation

In addition to making a report to the Child Abuse Report Line, employees and volunteers must also report to Child Safety Officer or the COO if reasonable suspicion is formed that a child has been, or is being, abused or neglected by any person *involved in the organisation*.

In response to any report to management concerning a member, employee or volunteer of this organisation, management may determine to take disciplinary action.

Other protective actions may also be introduced to ensure the safety of children and young people within our organisation.

Strategies to minimise risk

To help maintain a safe environment for children, the Management will review risks regularly and implement strategies to minimise and manage these risks.

The policies and procedures that EQUALS International has implemented to manage these risks and protect children include those set out in the above under the heading '*Principles and policy framework*'.

Evaluation of these strategies and the development of additional strategies to minimise and control risks to children and young people occur as part of our ongoing risk management process.

Please refer to 1-12000 for EQUALS International's *Risk Management policy and procedure*.

Harassment/bullying

EQUALS International opposes all forms of harassment, discrimination and bullying. We take this issue seriously and encourage anyone who believes that they, or another person, has been harassed, discriminated against or bullied to raise this issue with management.

Please refer to 3-6200 EQUALS International's *Bullying Policy & Procedure*.

Communication

EQUALS International will ensure that everyone to whom this policy applies is aware of and has had an opportunity to read the policy. This includes displaying information about our policy and code and conduct in areas commonly accessed areas.

We also ask employees, volunteers and other persons involved in our organisation (where appropriate) to sign a written statement indicating that they have read and will abide by our child-safe policy. We retain a copy of all signed statements.

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RELATED POLICIES AND PROCEDURES

A number of our related policies and procedures support this Child-Safe Policy. They include those set out in the above under the heading *'Principles and policy framework'*.



APPENDIX 1

Conducting criminal history assessments

Assessments required for prescribed positions

Employees and volunteers of EQUALS International who occupy a prescribed position (as set out under Section 8B (8) of the *Children's Protection Act 1993*) are required to undergo a criminal history assessment at least once every three years.

This includes staff and volunteers who:

- have regular contact with children or regularly work in close proximity to children and are not directly supervised at all times,
- manage or supervise such personnel; or
- have access to records relating to children that are prescribed by regulation

Criminal history assessments are also required prior to the appointment of new employees or members to prescribed positions.

Exemptions from this requirement may apply in some circumstances (see below). However EQUALS International retains the discretion to decide on a case-by-case basis whether any relevant exemptions will be exercised.

This requirement applies to employees who regularly work with or around children in an unsupervised capacity or have access to prescribed records relating to children.

Procedure for conducting criminal history assessments

EQUALS International will employ one, or a combination, of the following procedures for conducting criminal history assessments. The procedure(s) employed are at the discretion of EQUALS International, and the risks associated with the role or functions that the employee or volunteer (or proposed employee or volunteer) will be required to undertake may be considered. The procedure(s) to be employed is communicated to the employee/volunteer or preferred applicant prior to the commencement of the procedure(s), and their informed consent is obtained before a criminal history report is obtained.

Procedure 1

A current Letter of Clearance from the Department for Communities and Social Inclusion (DCSI) Screening Unit is a precondition of engagement of employees and volunteers who work in a prescribed position at EQUALS International. The cost of obtaining a Letter of Clearance will be negotiated between EQUALS International and the employee or volunteer.

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Prior to the appointment of a new employee/volunteer and then at three yearly intervals, EQUALS International will direct the employee/volunteer to obtain a Letter of Clearance from the Screening Unit as evidence that the applicant does not pose an increased risk of harm to children. Letters of Clearance are obtained for all current employees/volunteers who are working with children once every three years.

EQUALS International may obtain a further criminal history assessment for an employee/volunteer at any time that EQUALS International believes it necessary or desirable for the purpose of maintaining a child safe environment.

The informed written consent of the employee/volunteer is required prior to conducting a criminal history assessment. The Screening Unit's informed consent form is available from www.dfc.sa.gov.au/pub/screening.

Information relating to a person's criminal history and the assessment process is managed securely and confidentially and in accordance with the *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children* issued pursuant to Section 8A of the *Children's Protection Act 1993*.

Procedure 2

A satisfactory criminal history assessment is a precondition of working in a prescribed position at EQUALS International.

Prior to the appointment of a new employee/volunteer and then at three yearly intervals, this organisation will direct the employee/volunteer to obtain a National Police Certificate (NPC) from South Australia Police. The cost of obtaining a NPC will be negotiated between EQUALS International and the employee/volunteer.

South Australia Police require the explicit written consent of the applicant prior to the release of criminal history information. The NPC application form is available from http://www.police.sa.gov.au/sapol/services/information_requests/national_police_certificate.jsp.

Where a person has no disclosable criminal history, the assessment is successfully completed and no further action in respect to an assessment is required.

Where an individual does have a criminal history, EQUALS International assesses this information in accordance with Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*.

Each assessment is conducted on its individual merits and with consideration to the inherent requirements of the position. Principles of procedural fairness and natural justice are applied throughout the decision-making process and the individual is provided an opportunity to confirm or



dispute the information contained within the report and to provide contextual information for consideration during the assessment process.

In accordance with standard 7 of the *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*, EQUALS International:

- Establishes and maintains good practices for the management of criminal history information that includes safeguards to prevent loss, unauthorised access, use, modification, disclosure or other misuse, including unauthorised reproduction by any means.
- Protects the privacy (to the extent possible) and ensures the confidentiality of both criminal history report and the information relating to the assessment of a criminal history report.
- Does not retain a person's criminal history report for a period of more than three months (in any circumstances) once an assessment has been made regarding the person's suitability to work with children.

In order to demonstrate compliance with legal requirements, EQUALS International may retain the following information regarding its decision:

- That a criminal history report was obtained
- How the criminal history information, and any other information gathered during the assessment process, affected decision making processes
- Statutory declarations (where applicable)

EQUALS International may obtain a further criminal history assessment for an employee/volunteer at any time that EQUALS International believes it necessary or desirable for the purpose of maintaining a child safe environment.

Other evidence (optional)

Where appropriate, EQUALS International may utilise a number of forms of evidence (obtained within the last three years) to assess a person's suitability to work with children. This includes:

- A National Police Certificate that does not expressly state that it cannot be used as a clearance to work with children
- A Letter of Clearance to work with children from the DCSI Screening Unit
- A valid and current interstate working with children check.

Acceptance of other forms of evidence is at the discretion of EQUALS International.

EQUALS International may also at its discretion seek a statutory declaration for any *employee(s)* or *volunteer(s)* who have been citizens or permanent residents of a country other than Australia since turning 18 years of age.

Exemptions

The following organisations, persons and positions are exempt from the application of Section 8B of the Act:

- a) an organisation that provides equipment, food or venues for children's parties or events and does not provide any other services;
- b) a person who undertakes work on a voluntary basis to provide a service in his or her capacity as

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- a parent or guardian of a child who is ordinarily provided
- c) with the service;
- d) a person who undertakes work on a voluntary basis to provide a service and who is under 18 years of age;
- e) a person who undertakes work in the course of, or for the purposes of, an
- f) event or activity that takes place over a period of not more than 10 consecutive days or not more than 1 day in any month;
- g) a person appointed as a police officer;
- h) a person who is a registered teacher (within the meaning of the *Teachers Registration and Standards Act 2004*);
- i) a person who undertakes, or a position that only involves, work that is not for the exclusive benefit of children and is not provided to any child on an individual basis;
- j) a position that only involves prescribed functions because children are employed or engaged to work as volunteers by the person occupying the position or by that person's employer;
- k) a position in which all work involving children is undertaken in the presence of the children's parents or guardians and in which there is ordinarily no physical contact with the children.



APPENDIX 2

Child Safe Environment Code of Conduct

This code of conduct applies to all people involved in EQUALS International, including employees and volunteers

Caring for children and young people brings additional responsibilities for people involved in EQUALS International.

We are responsible for promoting the safety and well-being of children and young people by:

- Ensuring the safety and welfare of the child or young person is paramount at all times.
- Treating all children and young people with dignity, equality, sensitivity, fairness and respect.
- Adhering to this organisation's child-safe policy at all times.
- Listening and responding appropriately to the views and concerns of children and young people within the organisation.
- Taking all reasonable steps to ensure the safety and protection of children and young people within the organisation.
- Ensuring children and young people understand their rights and explaining to the child in age-appropriate language what they can expect when participating in a service, activity or program offered by our organisation.
- Responding quickly, fairly and transparently to any serious complaints made by a child, young person or their parent/guardian.
- Notifying the **Child Abuse Report Line on 13 14 78** as soon as practicable if they have a **reasonable suspicion that a child or young person has been or is being abused or neglected**.

No person involved in EQUALS International will participate in the following **unacceptable behaviours**:

- Taking part in any **unnecessary physical contact** with a child or young person.
- **Discriminating** against any child or young person because of age, gender, cultural background, religion, vulnerability or sexuality.
- Developing any **'special' relationships** with children or young people outside of the professional relationship.
- **Bullying** or **harassing** another person, including any child or young person
- **Aggression or violence (physical, verbal, sexual, or emotional)** toward any other person, thing or in response to any circumstances or occurrence.

Discriminatory, offensive and violent behaviour, and behaviour in violation of this code, will not be tolerated, and appropriate disciplinary action will be taken. Appropriate disciplinary

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action may include (as applicable) termination of employment, legal action, and criminal liability.

Members of the organisation have a duty to raise concerns about the behaviour or employees, managers, volunteers or others which may be harmful to children. This duty exists even if you are not a mandated notifier under the *Children's Protection Act 1993*.

All persons involved in EQUALS International, or any person with an interest in the care, safety, protection and empowerment of children and young people (including parents and carers) are encouraged to raise concerns about the behaviour of any person involved in our organisation with the Child Safety Officer or Management. **All concerns and claims will be dealt with confidentially, and without prejudice to the person raising concern.**