

## Child Safe Environment Policy

### 1. Background

This policy has been developed with reference to the *Children and Young People (Safety) Act 2017*. Carclew is a prescribed Child Safe Environment organisation and must provide and maintain a child safe and child friendly environment.

### 2. Purpose

To ensure children and young people engaging in Carclew programs, activities and events are protected from abuse and harm, feel respected and valued, and encouraged to reach their full potential. This policy outlines appropriate conduct around children and young people, the requirements of a mandated notifier to report concerns that a child or young person is, or may be, at risk of abuse or neglect, and the requirements for clearance checks for working with children.

### 3. Scope

Staff, contractors, volunteers and Board members. All recipients of Carclew grants must also comply. This policy refers to all activities involving children and young people for which Carclew is responsible.

### 4. Definitions

Mandated notifier	Any person who delivers services to children or young people
DCP	Department for Child Protection
CARL	DCP Child Abuse Report Line: 13 14 78 (24 hour service)
Official Duties	Activities performed by an employee as part of their regular responsibilities
DHS	Department of Human Services
DfE	Department for Education
Relevant History Screening	Working With Children Check by the Department of Human Services Central Assessment Unit.
RAN-EC	Responding to Abuse and Neglect - Education Care Training
Yaitya Tirramangkotti	The team advising and assisting cases involving Aboriginal and Torres Strait Islander children: 13 14 78 (24 hour service)
Limited Confidentiality	When a legal requirement, such as mandatory reporting, overrides a child or young person's right to confidentiality

### 5. Policy Statement

Children and young people have the right to be emotionally and physically safe at all times.

Carclew will not engage you, in a paid or voluntary role, if you have been convicted of any offence involving violence, neglect or any sexual offence against adults or children regardless of the time that has elapsed since the offence.

You are required to understand the obligations of being a mandated notifier.

#### 5.1 Working With Children Check

You are required to be cleared through a Working With Children Check undertaken by the Department of Human Services Central Assessment Unit.

Carclew will view the DHS Certificate of Interrogation document, and record date of birth, reference number, expiry date, and outcome of the check.

## 5.2 Mandated Notifier

When working with children or young people, an adult is a mandated notifier and has a legal obligation to report any suspicion, on reasonable grounds, that a child or young person is, or may be, at risk of abuse or neglect.

## 5.3 Responding to Abuse and Neglect

If, in the course of your duty, you suspect that a child or young person is, or may be at risk of abuse or neglect, you are legally obliged to notify DCP Child Abuse Report Line (CARL) on 13 14 78 (24 hour service), as soon as practicable after the suspicion is formed. You are not required to seek permission from your supervisor to make a notification. The law does not require you to prove abuse or neglect occurred.

## 5.4 Yaiya Tirramangkotti

Yaiya Tirramangkotti is a team at CARL providing advice and assistance for cases involving Aboriginal and Torres Strait Islander children ensuring that the children and families involved are cared for in ways that are culturally appropriate. You can request to report directly to Yaiya Tirramangkotti.

## 5.5 Failure to Report

Under *Section 31(1)* of the *Children and Young People Act 2017*, failure to notify is a criminal offence and currently carries a maximum penalty of \$10,000. *Section 31 (2)* outlines exceptions to this ruling.

## 5.6 Training

The Department for Education (DfE), requires that any person who works or volunteers with children and young people on DfE sites are trained. Carclew is an agency of DfE and you must complete training and online refresher updates as required.

You will undertake the full-day Responding to Abuse and Neglect – Education and Care (RAN-EC) training or the Child Safe Environments Certificate bridging course. Volunteers complete the Volunteer RAN-EC Online Induction which can be accessed on the DfE website.

You have a responsibility to ensure that contracted artists and volunteers meet the training requirements prior to contracting.

## 5.7 Suspicion on Reasonable Grounds and What Not To Report

If you are unsure whether there is a suspicion on reasonable grounds to notify, consult a social worker by calling CARL and DCP to determine whether action is warranted. Definitions of 'suspicion on reasonable grounds', 'indicators of abuse or neglect' and 'what not to report' can be found at [www.childprotection.sa.gov.au](http://www.childprotection.sa.gov.au)

## 5.8 Confidentiality and Limited Confidentiality

If you make a report you must ensure that the privacy and reputation of the child/young person and the accused are respected at all times. Failure to do so is a punishable offence under *Section 163* of the *Act*.

The *Act* requires that a mandated notifier's identity is not disclosed unless:

- made with the consent of the person who gave the notification;
- required or authorised by the Chief Executive or under the *Act*;
- made by the way of evidence and the court or tribunal is satisfied the disclosure is of critical importance in the proceedings and failure to admit it would prejudice the proper administration of justice;

- reasonably necessary for the performance of the person's official functions and duties, or the functions and duties of a State authority relating to the protection of children and young people from harm; or
- reasonably necessary to prevent harm, or further harm, being caused to a child or young person to whom the information relates.

When working with children/young people you have an obligation to 'limited confidentiality' which means that mandatory reporting overrides a child/young person's right to confidentiality. Example: do not promise to 'keep a secret' before a child or young person discloses information.

#### 5.9 Child Safe Environment and Risk Assessment and Management

Carclew identifies, assesses and takes steps to minimise and prevent the likelihood of risk of harm to children/young people using our services. Risk Assessment and Management Plans are prepared for Carclew organisation, projects, activities and events.

#### 5.10 Children's participation - Working with Children in Art

The South Australian Government is committed to upholding and promoting the rights of people to freedom in the practice of the arts, and to encouraging young people and children's involvement in the arts as participants, in the creative process and as members of an audience. Carclew adheres to the Department of Premier and Cabinet's *Protocols for Working with Children in Art* by ensuring that:

- parental consent is provided prior to working with any child under the age of 15;
- the rights of children are protected throughout the artistic process;
- artworks that involve images of children that have been produced are presented with due care and sensitivity;
- the child's images are not being exploited, and that the use of the image is within the original context of the creative work.

#### 5.11 Support for Employees and Volunteers

You will be provided with supervision and support in your work with or in close proximity to children/young people.

If you make a mandatory notification report, you must inform the Chief Executive who will ensure that you receive appropriate support and if required, access to professional counselling.

#### 5.12 Duty of Care

You must act with integrity, respect and accountability including a duty of care towards children and young people.

You must refrain from activities that might lead to injury, and act to maintain health and safety. You could be found to be negligent if assistance was not provided to an ill or injured child/young person.

You must not leave a child/young person unsupervised, or alone with an adult.

It is morally and legally unacceptable to form sexual relationships with the young people with whom we work. This includes all behaviours such as expressing attraction, flirting, touches, gestures or advances. Language used must be appropriate for the age group, and there must be an awareness of the sensitivity of appropriate language including, but not limited to, blasphemy and swearing.

In the course of your work you are not required to provide counselling and suitably qualified professional counsellors will be engaged if necessary. If a child/young person

discloses information which indicates that they or someone else may be at risk, your responsibility is to provide support and not to investigate the claim. You must consider mandatory notification.

#### 5.13 Allegations involving staff, contractors, volunteers or Board members

If a report is made against an employee, contractor or volunteer, the seriousness of the allegation and evidence will be taken into account. Such an allegation may result in immediate temporary suspension, disciplinary action or instant dismissal. Their absence will be explained without revealing the allegation. The Carclew Board will be notified immediately.

If a Carclew Board member is involved with an allegation the Chair and Chief Executive must be informed immediately and the Minister advised. This may result in immediate temporary suspension, disciplinary action or instant dismissal at the Minister's discretion.

While a case is being investigated it may be negotiated for the accused to perform their duties from another location, take leave or be suspended on full pay. If the accused admits the allegation or the police charge the accused, they will be suspended without pay.

#### 5.14 Bullying and Harassment

Carclew maintains a zero tolerance position on bullying, discrimination, victimisation, harassment and sexual harassment. Refer to Carclew *Respectful Behaviours Policy* and *Procedures* and *Code of Conduct* which outline this position in detail.

### 6 **Responsibility for implementation**

The Chief Executive will advise staff members of revised *Child Safe Environment Policy and Procedures* upon endorsement. The policy and procedures will be available on the Carclew server, listed on the Carclew Policy webpage and included in induction.

### 7 **Legislation and Supporting Documents**

<i>Children and Young People (Safety) Act 2017</i>
<i>Children and Young People (Safety) Regulations 2017</i>
<i>Child Safety (Prohibited Persons) Act 2016</i>
<i>South Australian Modern Public Sector Enterprise Agreement: Salaried 2017</i>
<i>Code of Ethics for the South Australian Public Sector</i>
<i>State Records Act 1997 - General Disposal Schedule for Records Management</i>
<i>Work Health and Safety Act 2012</i>
<i>Department for Child Protection – ‘mandated notifiers and their role’, ‘indicators of abuse and neglect’, ‘what not to report’, ‘Guidance in responding to children and young people’ and ‘Concern Checklist’ source <a href="http://www.childprotection.sa.gov.au">www.childprotection.sa.gov.au</a></i>
<i>Carclew Code of Conduct and Procedure</i>
<i>Carclew Employment Clearance for Working with Children Policy and Procedure</i>
<i>Carclew Respectful Behaviours Policy and Procedure</i>

#### **Acknowledgment**

*In developing this policy Carclew has drawn on resources prepared by the Department for Education, Department for Child Protection, Department of Human Services, and Arts South Australia.*

#### **Disclaimer**

*This policy does not represent legal advice. If you have any queries about your obligations, you should seek your own independent legal advice.*