

## 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 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 harm, and the requirement 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

Children & young people	A person under 18 years of age
Harm	Physical or psychological harm (whether caused by an act or omission) including harm caused by sexual, physical, mental or emotional abuse or neglect
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 Screening Unit.
RRHAN-EC	Responding to Risk of Harm, 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 always emotionally and physically safe. Our staff, artists and volunteers are responsible for promoting and protecting the safety and wellbeing of children and young people in our care.

All staff, artist and volunteers are inducted accordingly and will be required to undertake training and understand their obligations of being a mandated notifier. Staff, artists and volunteers are made aware of Carclew policies and procedures, which are included on the website and in Carclew's induction process and manuals.

Carclew will not engage any individuals, in a paid or voluntary role, if they 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.

#### 5.1 Working With Children Check

All employees, artists and volunteers engaged by Carclew are required to be cleared through a Working with Children Check undertaken by the DHS Screening Unit.

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

#### 5.2 Duty of Care

Employees, artists and volunteers working with Carclew must act with integrity, respect and accountability including a duty of care towards children and young people. They are responsible for promoting and protecting the safety and wellbeing of children and young people by:

- Adhering to Carclew's Child Safe Environment policies and procedures and taking all responsible steps to ensure the safety and protection of children and young people.
- Being a positive role model to children and young people.
- Setting clear boundaries about appropriate behaviour with any children and young people they interact with.
- Listening and responding appropriately to the views and concerns of children and young people.
- Ensuring another adult is always present or in sight when interacting one to one with a child or young person.
- Being alert to children and young people who are, or may be at risk of harm, and reporting as soon as possible to the Child Abuse Report Line (CARL) on 13 14 78.
- Responding quickly, fairly and transparently to any serious complaints made by a child, young person or their parent/guardian.
- Encouraging children and young people to 'have a say' on issues that are important to them.

All employees, artists or volunteers engaged by Carclew must **not**:

- Engage in rough or physical games with a child or young person.
- Develop any 'special' relationship with a child or young person that could be seen as favouritism such as offering gifts or special treatment.
- Do things of a personal nature that a child or young person can do for themselves, such as toileting or changing clothes.
- Discriminate against any child or young person because of their age, gender, gender identity, cultural background, religion, vulnerability or sexuality.

#### 5.3 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 harm. In accordance with the *Child Safety (Prohibited Persons) Act 2016*, all staff, artist and volunteers are trained and aware of their mandatory reporting obligations.

#### 5.4 Reporting any suspicions

If, in the course of their duty, a mandated notifier suspects that a child or young person is, or may be at risk of harm, they 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. There is no requirement to seek permission from the line manager or supervisor to make a notification. The law does not require the mandated notifier to prove abuse or neglect occurred. A report must be made to SA Police on 000 if the child or young person is at immediate risk of harm.

#### 5.4.1 Ongoing support

After making a notification, the mandated notifier may be required to continue acting as a support person for the child or young person. This may include attending and participating in case meetings and providing a written report of the incident.

The Chief Executive will ensure that appropriate support is available for the mandated notifier including access to professional counselling if required.

#### 5.4.2 Allegations involving staff, artists or volunteers

If an allegation is made involving an employee, artist or volunteer acting on behalf of Carclew it will be reported immediately to CARL on 13 14 78, and to SA Police if required. The Board and Chief Executive will make temporary arrangements to balance the needs of ongoing safety of the child or young person, any investigations, maintaining the privacy of all involved and reputations at risk.

#### 5.5 Yaitya Tirramangkotti

Mandated notifiers can request to report directly to Yaitya Tirramangkotti, a team at CARL providing advice and assistance for cases involving Aboriginal and Torres Strait Islander children. They ensure that the children and families involved are cared for in ways that are culturally appropriate.

#### 5.6 Failure to report

Under *Section 31(1)* of the *Children and Young People Safety 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.

#### 5.7 Training

Carclew is an agency of the Department for Education (DfE), which requires any person who works or volunteers with children and young people on DfE sites to be trained accordingly.

All staff are required to complete the full Responding to Risk of Harm, Abuse and Neglect – Education and Care (RRHAN-EC) training and must ensure that this qualification is current and up to date at all times.

Carclew artists and volunteers must complete the Volunteer RRHAN-EC Fundamentals Course which can be accessed on the DfE website.

However, artists who are working within in a Department for Education South Australia government school site or an independent (private) school site must hold the equivalent to the full Responding to Risk of Harm, Abuse and Neglect – Education and Care (RRHAN-EC) training prior to their start date.

If staff or artists have previously completed the 'Safe Environments – Through their Eyes' training, the RRHAN-EC Fundamentals course also needs to be completed to bridge their existing qualification to the full RRHAN-EC.

Employees have a responsibility to consider all requirements when working with children in the planning phase of projects. Artist and volunteers must meet the training requirements prior to contracting for projects.

#### 5.8 Suspicion on reasonable grounds and what not to report

If the mandated notifier is 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)

#### 5.9 Confidentiality and Limited Confidentiality

If a report is made, the mandated notifier must ensure that the privacy and reputation of the child/young person and the accused are always respected.

Under *Section 163* of the *Children and Young People (Safety) Act 2017*, a mandated notifier's identity will not be disclosed unless it is:

- made with the consent of the person who gave the notification;
- required or authorised by the Chief Executive or under the Act;
- made by way of evidence where 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 and young people, all employees, artists and volunteers have an obligation to 'limited confidentiality', which means that mandatory reporting overrides a child and young person's right to confidentiality. Example: do not promise to 'keep a secret' before a child or young person discloses information.

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

Carclew is committed to providing an environment that is child safe and child friendly where children feel respected, valued and are encouraged to reach their full potential. Carclew is also committed to providing a facility that is occupational safe and free from risk or harm. Carclew identifies, assesses and takes steps to minimise and prevent the likelihood of risk of harm to children and young people using our services. Risk Assessment and Control Plans are prepared for all Carclew projects, activities and events. All staff, artists and volunteers are inducted, trained and aware of their obligations in relation to child safety and mandatory reporting requirements.

##### 5.10.1 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; and
- 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 **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. This policy will be reviewed as required or every two years.

**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 Public Sector Enterprise Agreement: Salaried 2021</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</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.*