

# Child Safe Policy

## Policy Purpose and Scope

All children and young people (under the age of 18yrs) have the right to be emotionally and physically safe. Access4u is committed to ensuring that all children and young people accessing our services regardless of their abilities, sex, gender, social economic or cultural background and equity are cared for in a safe and nurturing environment. Access4u also recognises that children and young people with disabilities may be particularly vulnerable to all types of harm or risk of harm due to several factors including:

- Mobility constraints
- Reliance on others for personal, psychological, or physical care
- Reliance on others for communication
- Limitations in their ability to stop harm from occurring
- Limitations in their ability to communicate that harm is occurring or has occurred
- Social isolation
- Community attitudes towards people with disabilities may mean the child or young person is not always believed
- The large number of individuals involved in their daily lives and personal care needs.

This policy articulates Access4u’s strong commitment to the safety of its customers as well as establishing and maintaining environments that prompt opportunities for children and young people to thrive and to have a voice and influence. Access4u is committed to:

- Zero tolerance policy to harm or risk of harm to children and young people
- A duty of care to children and young people, to take reasonable steps to keep them safe from harm and provide a safe environment
- The safety of children and young people with a disability, and to the cultural safety of CALD children
- Valuing and respecting all children and young people regardless of their abilities, sex, gender, or social economic or cultural background
- Respecting different cultural traditions and child rearing and parenting practices while keeping them safe
- Emphasising that it is everyone’s responsibility to ensure a child safe environment, including staff, board, management, volunteers, contractors, and families of children
- Valuing participation of children and young people in the development of child safe policies and procedures, and how children and young people are to be consulted in the process of developing and updating policies and procedures relating to safety
- Taking every concern and allegation seriously, in line with the principles of procedural fairness
- Believing children and young people when they raise a concern or make an allegation
- Zero tolerance to bullying and harassment.

## Responsibilities and delegations - *This policy applies to all staff, volunteers and contractors.*

Specific responsibilities	<p>All members of the governing body, management, staff and volunteers and contractors must sign and act in accordance with the Access4u Code of Conduct as part of their induction into the organisation, to commit to keeping children safe within the organisation and act in their best interests always.</p> <p><b>At a governance and strategic risk level</b></p> <p><b>The Board</b></p> <p>The governing body has ultimate responsibility for policies and procedures to be in place that are appropriate for the size and type of services provided, and for ensuring that all staff and volunteers</p>
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	<p>abide by these to prevent and respond to child harm. They must also be aware of their legal liability for failure to disclose harm or failure to reasonably protect based on known risks.</p> <p><b>Management</b> Management should be aware of all mandatory and voluntary reporting obligations which apply in the jurisdiction in which Access4u operates and ensure that all staff and volunteers are made aware of the obligations that apply to them. Management is also responsible for being aware of and managing any risks to children, and to facilitate internal and/or external reporting by any members of staff/volunteers.</p> <p><b>Child Safe Officer</b> A Child Safe Officer may be appointed within the organisation, to respond to any questions or concerns about child safety related issues, and to be the primary contact person in the event of any incident or allegation coming to light. The Child Safe Officer/CEO is the contact person for external bodies and will coordinate with the CEO to investigate any incidents or allegations of harm.</p> <p><b>At the operational level</b></p> <p><b>Staff, Volunteers</b> Staff and volunteers have a responsibility to act in accordance with the Code of Conduct, and be aware of and comply with their obligations relating to reporting concerns, allegations and incidents of child harm, including internal and external reporting.</p>
Policy approval	CEO

**Policy context - This policy relates to:**

Standards	<ul style="list-style-type: none"> <li>• <i>NDIS Practice Standards</i></li> <li>• <i>National Disability Strategy 2010-2020</i></li> <li>• <i>National Framework for Protecting Australia’s Children 2009-2020</i></li> <li>• <i>NDIS Quality and Safeguarding Framework</i></li> <li>• <i>Ombudsman SA Information Sharing Guidelines for promoting the safety and wellbeing (ISG)</i></li> <li>• <i>National Principles for Child Safe Organisations</i></li> </ul>
Legislation	<ul style="list-style-type: none"> <li>• <i>National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018</i></li> <li>• <i>National Disability Insurance Scheme Act 2013</i></li> <li>• <i>Disability Discrimination Act 1992 (Cth)</i></li> <li>• <i>Children and Young People (Safety ) Act 2017 (SA)</i></li> <li>• <i>Child Safety (Prohibited Persons) Act 2016 (SA)</i></li> <li>• <i>Children Legislation Amendment (Reportable Conduct) Act 2017</i></li> <li>• <i>Family Law Act 1975 (Cth)</i></li> </ul>
Contractual obligations	<ul style="list-style-type: none"> <li>• <i>NDIS Provider Registration</i></li> <li>• <i>NDIS Code of Conduct</i></li> </ul>
Organisation policies and procedures	<ul style="list-style-type: none"> <li>• <a href="#"><u>Access4u Statement of Commitment to child safety</u></a></li> <li>• <a href="#"><u>Child rights easy to read</u></a></li> <li>• <i>Human Rights Policy</i></li> <li>• <i>Customer Safety and Protection Policy</i></li> <li>• <i>Incident Management Policy and Procedure</i></li> <li>• <i>Sharing Information Policy and Procedure</i></li> <li>• <a href="#"><u>Child safe code of conduct</u></a></li> <li>• <i>Code of Conduct</i></li> <li>• <i>Staff Recruitment Policy</i></li> </ul>

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	<ul style="list-style-type: none"> <li>• <i>Staff Training and Induction Policy</i></li> <li>• <i>Risk Management Policy</i></li> <li>• <i>Feedback and Complaints Management Policy</i></li> <li>• <i>Privacy and confidentiality policy</i></li> </ul>
Forms, record keeping, other documents	<ul style="list-style-type: none"> <li>• <i>Incident Report Form</i></li> <li>• <i>Complaints and suggestions brochure</i></li> </ul>

**Definitions** For the purpose of this procedure the following definitions apply:

**Child:** A person under the age of 18 (unless otherwise specified in relevant legislation).

**Child abuse:** *“All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power<sup>1</sup>”*

**Child protection:** Any measure taken to safeguard children from abuse or harm.

**Grooming:** Any act with the aim of befriending, building rapport, and gaining the trust of a child for the purpose of subjecting them to harm. Signs of grooming include giving gifts or special attention, or inappropriate touching such as tickling or wrestling with a child.

**Online grooming:** Establishing a relationship with a child or young person online with the aim of meeting him/her in person for sexual activity. This can include online chat or sexting, and the abuser may lie about their age or identity.

**Harm:** Different states or territories may have differing definitions of harm in relation to child protection legislation, but in general it refers to any significant detrimental effect on a child's physical, psychological or emotional wellbeing.

**Reasonable grounds for belief:** *“A belief based on reasonable grounds (see below) 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.*

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

- (a) *the child is in need of protection,*
- (b) *the child has suffered or is likely to suffer “significant harm as a result of physical injury,” or*
- (c) *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<sup>2</sup>.”*

**Sexual abuse:** Occurs when an adult or another child or young person uses power and authority to involve a child in sexual activity, and can be physical, verbal or emotional.

<sup>1</sup> World Health Organization (2016), *Child abuse and neglect by parents and other caregivers.*

<sup>2</sup> Our Community (2018) *Child Protection Policy* <https://www.communitydirectors.com.au/files/policybank/ChildProtectionPolicy2018-02.doc>

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## Policy Directives

### Participation of Children and Young People:

- Access4u regularly conducts a customer reference group. This group (at least three times a year) will focus specifically on young people's voices and their general input into service delivery. This group will be facilitated wherever possible by a young person.
- A survey or questionnaire (refer to Customer Feedback Survey Tool) is sent to young people and their families within the first quarter of service engagement. In consideration of developmental, and communication challenges for some young people, our staff will assist with the completion of the survey where required.
- Young people and their carers are offered the opportunity to provide clear and consistent feedback re: goal strategies, interventions, and supports at their regular meetings with their Support Coordinators, Behaviour Support Practitioners and or Therapists. This feedback is essential to the ongoing development of support plans and goal planning and is recorded on case notes as it eventuates. This feedback is incorporated within plans and training for staff is implemented.
- Access4u has a dedicated page on our website outlining our commitment to working with young people and ensuring their safety. The feedback link on this site will enable young people to provide direct and confidential feedback.

### Children and young people's rights

Access4u's *Child Rights Easy to Read* document informs children and young people about their rights to safety and to be heard. A copy of the document is given to customers on commencement of service and a link is available on our website.

### The Charter of Rights of Children and young People in Care

Access4u endorses the Charter of Rights for Children and Young People in Care, that outlines the rights that are important to children and young people in care (under the Guardianship of the Chief Executive of the Department for Child Protection). The [Office of the Guardian for Children and Young People website](#) provides additional information and resources.

### Staff Recruitment, Supervision and Training

#### Advertising a position

When advertising a position that is child-related, the Access4u Statement of Commitment to child safety will be included in the advertisement. The position description will include the duty of care obligations of staff, Access4u's zero tolerance to harm or risk of harm to children and young people, and the requirement to undergo police, reference and Working With Children Checks during the recruitment process.

#### Worker screening

Shortlisted applicants for all/child-related positions within the organisation will be screened for a Working with Children Screening and a minimum of two verbal reference checks per applicant. Verbal reference checks should be with direct supervisors or managers who can attest to the applicant's behaviour and attitudes around

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children. Google searches and social media checks can also be of use to determine the character of potential employees and identify whether there may be any red flags.

All staff who undertake child-related work (in accordance with the state/territory definition of 'child-related') will require evidence of a current, 'not prohibited' Working With Children Check (WWCC). We are registered with the DHS Screening Unit and will link all WWCCs. We will verify the accuracy of the WWCC in the DHS Screening Unit portal before employing staff to work with children and young people, and for existing staff, we will verify they renew their WWCC every 5 years and the status remains as not prohibited. We will immediately contact the Department of Human Services Screening Unit when we become aware of certain information regarding any person involved with our organisation, including any serious criminal offence, child protection information, or disciplinary or misconduct information.

Interviews of potential employees should be conducted by a panel of staff members who are familiar with child safe principles, with at least one panel member who has a knowledge of the dynamics of child abuse and should focus on determining a values-fit with the organisation. Interview questions should be designed to elicit information about the candidate's values, attitudes, aptitudes and work history.

### Staff training and development

All new staff and volunteers will have access to relevant policies including the *Child Safe Policy*, *Child Safe Code of Conduct* and *Feedback and Complaints Management Policy*, and will be guided through the application of these policies and procedures throughout the staff induction process.

Continuous development and training, and refresher training, around child safety topics should occur every two years. Staff training should include staff mandatory and voluntary reporting and duty of care obligations, how to identify and minimise risks of child abuse, organisational policies and procedures relating to child safety, how to protect children with disability from harm, promoting the cultural safety of Aboriginal and Torres Strait Islander children and CALD children, etc. All staff are required to complete the 'Through Their Eyes' Child Safe Environments Training.

### Ongoing supervision

All staff and volunteers will have a Manager or their delegate assigned to support and supervise their work. Ongoing supervision will be for the purpose of both supporting staff to implement child safe practices, and to ensure that they are complying with their child safety related obligations and behavioural expectations. Regular staff performance reviews will also include an assessment of staff members' adherence to child safety and wellbeing procedures.

### Identifying and managing risks

Risk name and description	Actions to minimise risk
Culture of organisation is not child-safe focused	<ul style="list-style-type: none"> <li>• Child-focused Code of Conduct is in place that sets the behavioural standards expected including what happens when a breach occurs</li> <li>• Culture of management reflects our strong commitment to the safety of children and young people</li> </ul>

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Risk name and description	Actions to minimise risk
	<ul style="list-style-type: none"> <li>• Child safe culture is championed and modelled at all levels of Access4u</li> <li>• National Principles for Child Safe Organisations are embedded in policies and procedures</li> <li>• We meet the requirements of the <i>Children and Young People (Safety) Act 2017</i> (which mandates child safe environments) and the <i>Child Safety (Prohibited Persons) Act 2016</i> (which mandates Working with Children Checks)</li> </ul>
Organisational staff (including employees and volunteers) harm children/young people	<ul style="list-style-type: none"> <li>• Recruitment processes including undertaking referee checks to ensure the suitability of persons before they are employed/volunteer with our organisation is completed</li> <li>• Interview questions (no prior preparation) should gauge an applicant's understanding of child-safe principles and actions that would be taken to prevent harm to children and young people.</li> <li>• All staff have WWCC with 'not prohibited' result prior to working with children and young people</li> <li>• WWCC updated every 5 years</li> <li>• Children and young people and their families are given a copy of our <i>Child Safe Policy</i> and our <i>Compliments Complaints and Suggestions Brochure</i></li> </ul>
Organisational staff (including employees and volunteers) do not understand their obligations to report harm and risk of harm to the Child Abuse Report Line (CARL) (or SA Police if child/young person is at immediate risk)	<ul style="list-style-type: none"> <li>• All staff trained in Safe Environments: Through their Eyes on commencement and refresher training every 2-3 years after</li> <li>• All staff must abide by the <i>Child safe policy</i> and <i>Code of Conduct</i> (latter is signed on commencement with organisation and includes Access4u's expected standards for working with children and young people)</li> </ul>
Physical contact with children and young people	<ul style="list-style-type: none"> <li>• All staff are required to follow the Appropriate physical contact with children and young people policy</li> </ul>
Protecting privacy and confidentiality of children and young people	<ul style="list-style-type: none"> <li>• All staff are required to follow the <i>Information Sharing Guidelines for promoting safety and wellbeing</i>, issued by Ombudsman SA</li> <li>• All staff are required to follow our <i>Privacy and confidentiality policy</i></li> </ul>

For further information refer to *Risk management framework policy*.

### Reporting and responding to harm or risk of harm

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Access4u takes seriously all concerns, complaints and allegations of harm or risk of harm against any child or young person in the service. They will be handled sensitively and with the safety of the child as the primary consideration.

If anyone has reasonable belief that a member of Access4u staff is in breach of the Access4u *Child Safe Code of Conduct* they should contact the Child Safety Officer (0451 721 066) or the CEO (0411 476 830) as soon as practically possible. Breaches or suspected breaches will be taken seriously and will be dealt with quickly, fairly and transparently. If anyone believes a child or young person has been, or is, at risk of harm they should also make a report direct to authorities - Department of Child Protection Child Abuse Report Line (CARL) on 13 14 78 or SA Police on 000 if at immediate risk.

### Mandatory reporting obligations

Mandated notifiers in our organisation are all staff and volunteers who:

- provide a service directly to children and young people (including behaviour support practitioners, coordinators, mentors) or
- hold a management position in the organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children and young people (including Senior Manager Specialist Services, Flexible Supports Coordinator, Flexible Supports Manager, Disability Engagement Coordinator).

SA has a legal requirement for all adult workers (even if not a mandated notifier) to make a report direct to authorities if they have a reasonable belief that a child or young person has been or is at risk of harm. This includes reporting suspicions to the Department of Child Protection Child Abuse Report Line (CARL) on 13 14 78 or SA Police on 000 if at immediate risk. Failure to meet these obligations may be considered a criminal offence.

However, the Children and Young People (Safety) Act 2017 recognises that making a notification does not necessarily exhaust a mandated notifier's duty of care to a child and their family. A child/ young person is defined as being under 18 years of age.

Access4u encourages all staff and volunteers to report any concern they may have and will commit to protecting those who make a report in good faith and in accordance with organisational policy.

All adult staff (even if not a mandated reporter) have a legal obligation to report child sexual abuse by another staff member to the police and to protect a child from sexual abuse by another staff member. Failure to meet these obligations may be considered a criminal offence.

Generally, if there is reasonable belief that harm or risk of harm has occurred, the individual who identifies the harm or risk of harm is the person who makes the report to CARL/SAPOL. Staff do not need to file an internal report first or wait for a decision by another staff member.

### Internal reporting

An internal report of harm or risk of harm to a child or young person is to be made direct to the CEO or the Senior Manager, Disability Services following a report having been made to authorities to ensure measures have been put in place to respond quickly and appropriately.

### Conducting investigations

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When a report has been made to authorities regarding harm or risk of harm to a child or young person, the authorities may undertake an investigation. All employees must fully cooperate with any external investigation that takes place. An internal investigation may only take place with the sanction of Department for Child Protection or SA Police.

To ensure the safety of all children and young people while an investigation is in progress, the employee against whom an allegation is made will be stood down or removed from any role that has contact with children or young people until a decision is made about whether an offence or a breach of the Code of Conduct has been committed. If the investigation concludes that an offence or a breach has been committed, or is likely to have been committed, disciplinary action will be taken proportionate to the severity of the offence.

Where a person is terminated from the organisation due to being found to have committed an offence, the CEO has responsibility for notifying the relevant bodies for child protection and safety.

This policy will be communicated via regular information sessions with staff and volunteers and be available on the staff intranet. All children and their families will receive a copy of the policy, and the *Child Safe Code of Conduct* on commencement of service, and after it is updated.

### **Internal contact information for support in making a report if required:**

- Child Safety Officer 0451 721 066
- CEO: 0411476830
- Manager SILs: 0488011408

### **Ongoing Support to Family and Young Person**

Whilst a report is being investigated, Access4u will continue to provide ongoing supports to the Young Person/Family/Caregiver as required. In addition to regular supports, the customers will be offered counselling supports through our therapeutic team should they be required. Our Senior Psychologist will review the incident and recommend strategies to both the family and the staff that may assist in the process.

### **Responding to feedback and complaints**

Access4u is committed to ensuring that any person or organisation using Access4u services or affected by its operations has the right to provide feedback and or lodge a complaint or to appeal a decision of the organisation, as a source of ideas for improving services and activities. Please refer to our *Participants Feedback and Complaints Policy & Procedure*. With regards to young people, feedback is also encouraged directly on our website at our Child Safe Environments page. In addition to this, feedback is actively sought every few months from our participants via face to face or online calls from the manager of the particular service.

### **Policy review**

As per the Children and Young People (Safety) Act (s.115) all policies are to be reviewed and updated at least once in a 5 year period. We will also review this policy if new risks are identified or there are any relevant legislative updates. A new compliance statement will be lodged with Department of Human Services each time the policy is reviewed/updated.

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## CHILD SAFE POLICY:

I (Full Name) .....

Acknowledge that I have read and understood the Child Safe Policy.

Signature.....

Date.....

## 9. POLICY & PROCEDURE APPROVAL:

Document Approved by:

Date:     /     / 20

Chief Executive Officer