

DOCUMENT	CHILD AND YOUNG PERSON SAFETY POLICY
AREA	ORGANISATIONAL GOVERNANCE



1. Purpose

The Child and Young Person Safety Policy defines Carers SA's role in ensuring that safe environments are created and supported to promote and enhance the safety, wellbeing and participation of children and young people regardless of age, culture, religion, gender, sexuality, identity, or disability who receive services or participate in programs delivered by Carers SA.

Carers SA recognises its duty of care to take all reasonable steps to ensure that children and young people are safe from harm. Where possible, children and young people will be consulted in the development of the child and young person safe policy and the implementation of child safe practices and Carers SA staff consulted and inducted into this and all supporting policy and procedures.

Carers SA is committed to ensuring young carers in our services will be given opportunities to express their views on matters affecting their lives.

This policy will provide Carers SA staff with an overarching framework for protecting and safeguarding children and young people from physical, sexual, emotional, and psychological harm and risk of harm to fulfil the legal requirements under the Children and Young People (Safety) Act 2017 (Safety Act) the Child Safety (Prohibited Persons) Act 2016 (Prohibited Persons Act) and the 10 National Principles for Child Safe Organisations.

This Policy is to be read in conjunction with Carers SA's policies and procedures:

Carers SA Code of Conduct

Carers SA Statement of Commitment

Carers SA Child and Young People Safe Training Procedure

Carers SA Child and Young Person Safety Reporting Procedure.

Carers SA Risk Management Policy and Procedure.

2. Scope

This policy applies to, in line with Carers SA Code of Conduct, all Carers SA's staff and stakeholders. Carers SA's staff include all workers (including full-time, part-time, and casual), students on work experience placement, volunteers and Board Directors. Stakeholders include contractors, 3rd party providers and workplace participants.

3. Commitment to Child and Young Person Safety

- Carers SA has zero tolerance of harm or risk of harm against children and young people. All allegations and safety concerns will be treated very seriously and consistently in the best interest of children and young people.
- Carers SA will support and respect all children, as well as our staff and volunteers.
- Carers SA is committed to the safety, participation and empowerment of all children and young people.
- Carers SA understands all legal and moral obligations to contact authorities when there are concerns about a child or young person's safety.
- Carer SA will support our people with training and robust policies and procedures to support best practice.
- Carers SA is committed to preventing child abuse and identifying risks early and removing and reducing these risks.
- Carers SA has robust human resources and recruitment practices to reduce the risk of child abuse by new and existing people.

- Carers SA is committed to ensuring that the workforce has appropriate and relevant child and young person safety training and to continuing the education of our Directors, staff and volunteers on child abuse risks.
- Carers SA is committed to the cultural safety of Aboriginal and Torres Strait Islander children and young people, the cultural safety of children and young people from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children and young people with a disability.
- Carers SA has specific policies and procedures in place that support our Directors, staff and volunteers to achieve these commitments.
- Carers SA is committed to the implementation of the National Principles for Child Safe Organisations.

4. Key Roles and Responsibilities

The safety of children and young people are the responsibility of all Carers SA people. Carers SA's **Code of Conduct** outlines child safe professional boundaries and expected behaviors. All Carers SA staff are required to sign the Code of Conduct. All Carers SA staff are required to follow the Code of Conduct, this Child and Young Person Safety Policy and the associated Child and Young Person Safety Reporting Procedure.

The Chief Executive Officer (CEO) and the Board, serves as the overall guarantor of the Child and Young Person Safety Policy by:

- Ensuring up to date policies and procedures regarding child safe environments and mandatory reporting are in place and communicated across Carers SA.
- Discussing overarching matters related to child safety and the status of implementation of the Child and Young Person Safety Policy; and
- Monitoring policy implementation.

In the event of a child safety incident or breach of the Child and Young Person Safety Policy by staff the CEO and the Executive Manager People and Change will take relevant actions including, but not limited to reporting to authorities, initiating internal investigations, determining disciplinary measures. The President will be informed of any action immediately and the CEO will bring to the next Board meeting.

- **Code of Conduct as outlined in Annexure A and Disciplinary Policy and Procedure**

Child and Young Person Safety Advisory Group

The purpose of the Child and Young Person Safety Advisory Group is to support the implementation of strategies to embed Child Safe policies, procedures, and practices across Carers SA and address issues through risk analysis of any child safety gaps.

Child Safe Officers

The Child Safe Officer (CSO) will support Carers SA focal point to promote awareness of child safe environments. CSO's will operate in each program area to provide support and guidance to staff/volunteers in relation to child safeguarding policy and practice.

5. Definitions

In this Policy the following words have the corresponding meaning:

Abuse means any type of abuse (including physical, emotional, psychological, sexual and inappropriate use of power) that has caused, is causing or is likely to cause harm.

Australian Child Protection Legislation means all state/territory child protection legislation as amended from time to time.

Bullying means a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing.

Child or Children means a child or young person, or two or more children or young persons, who is or are under the age of 18 years.

Child Abuse Harm and Risk

Meaning of harm Section 17 (1) Children and Young People (Safety) Act 2017 For the purposes of this Policy, a reference to harm will be taken to be a reference to physical harm or psychological harm (whether caused by an act or omission) and, without limiting the generality of this subsection, includes such harm caused by sexual, physical, mental or emotional abuse or neglect.

Physical Abuse

Physical abuse occurs when a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver or any other adult. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. This may take the form of punching, beating, shaking or otherwise harming a child.

Emotional or Psychological Harm occurs when a child's parent, caregiver or any other adult repeatedly rejects the child or uses threats to frighten the child. This may involve children:

- Being repeatedly rejected, called names or being put down,
- Being frightened by threats
- Experiencing continual coldness to the extent that it significantly damages their physical, social, intellectual or emotional development,
- Being exposed to family violence.

Sexual Abuse occurs when a person uses power, force, or authority to involve a child in any form of sexual activity. Behaviour sex offenders engage in may include:

- Touching, kissing or fondling children
- sending obscene or suggestive phone calls/texts to children
- making sexual comments (directly, in letters, by telephone, text message or email)
- exhibitionism and or voyeurism in front of children, including commenting on physical attractiveness
- exposing children and young people to pornographic images
- penetration with penis, finger or other object into the mouth, anus or vagina.

It is important to note that sexual abuse includes both contact and non-contact behaviours.

Neglect is the failure to provide for the child's basic needs for life to the extent that the child's health and development are, or are likely to be, placed at risk, including:

- Food
- Clothing
- Shelter
- Medical attention
- Supervision or care

Exposure to Family Violence A child or young person whose parent(s) or carer(s) are involved in a violent or abusive relationship that is persistent and/or severe where the child or young person may be at risk or suffer harm. Also known as family violence, domestic violence is the abuse or violence that occurs when people use their power or position to hurt, control or bully someone else. **A child being forced to hear, witness or otherwise be exposed to the effects of family violence constitutes child abuse.**

Child Safe Commitment refers to Relevant Organisations' commitment to child safety in Carer SA, as outlined in **Annexure B**.

Children and young people at risk - The **Safety Act** states that a child or young person will be 'at risk' if:

- they have suffered harm, or there is a likelihood they will suffer harm being of a kind against which ordinarily they should have been protected
- there is a likelihood they will be removed from the State for the purpose:
 - of a medical procedure that would be unlawful in South Australia
 - of taking part in a marriage that would be void or invalid under the Marriage Act 1961 of the Commonwealth
 - of taking part in an activity that would be illegal in South Australia
- their parent or guardians are unable or unwilling to care for them, have abandoned them, cannot be found or are dead.
- they are of compulsory school age and are persistently absent from school without explanation.
- they are homeless or of no fixed address.

Grooming refers to the process by which an adult establishes a trusting relationship with a child and those associated with the child's care and wellbeing, to create an environment in which abuse can occur. Many perpetrators of sexual offences against children purposefully create relationships with children and young people, their families and carers in order to establish the conditions necessary for them to abuse the child.

For example:

- Spending special time with a child e.g. in private settings, away from their family or organisation, including online
- Isolating the child or young person from family and peers
- Giving gifts to a child
- Showing favouritism
- Allowing the child to step out of boundaries or rules
- Touching the child
- Testing and breaking professional boundaries.

Harassment means any type of behaviour towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment.

Harm physical or psychological harm (Whether caused by an act or omission), including harm caused by sexual, physical, mental or emotional harm or neglect. (Section 17 of the Safety Act defines)

Cumulative Harm refers to the effects of multiple adverse or harmful circumstances and events in a child's life. Cumulative harm may be caused by an accumulation of a single recurring adverse circumstance (such as unrelenting low-level care); or by multiple circumstances or events (such as persistent verbal abuse and denigration, inconsistent or harsh disciplines and /or exposure to family violence).

Multi-Dimensional Harm occurs when more than one abuse type is experienced at the same time e.g. sexual abuse also involving physical abuse and emotional abuse at the same time.

Harmful sexual behaviour in children

Harmful sexual behaviour (HSB) is developmentally inappropriate sexual behaviour which is displayed by children and young people, and which may be harmful or abusive (derived from Hackett, 2014). It may also be referred to as sexually harmful behaviour or sexualised behaviour. HSB encompasses a range of behaviour, which can be displayed towards younger children, peers, older children or adults. It is harmful to the children and young people who display it, as well as the people it is directed towards. (Reference: National Society for the Prevention of Cruelty to Children)

Mandatory Reporting means the legislative requirement for specific people or groups of people to report suspected cases of child abuse, a summary of which is available here. The Children and Young People (Safety) Act 2017 (Safety Act), requires certain people to report to the Department for Child Protection if they suspect on reasonable grounds that a child is, or may be at risk and this suspicion is formed in the course of their work.

Prohibited Conduct means conduct in breach of clause 4 of this Policy.

Recruitment & Screening means the child safety recruitment and screening requirements adopted and implemented by Carers SA to help ensure the safety of children and young people.

Reasonable grounds is when you form a suspicion that a child or young person may be at **risk** and may include:

- when a child or young person tells you, they are at risk or have been harmed
- when your own observations of a particular child or young person's behaviour and/or injuries lead you to suspect they are at risk, or harm is occurring
- when a child or young person tells you that they know of someone who is at risk or has been harmed (they may possibly be referring to themselves)
- when you hear about risk or harm to a child or young person from someone who is in a position to provide reliable information, perhaps a relative or friend, neighbour or sibling of the child or young person

WWCC means a '**Working with children and young people Check**' under the applicable legislation of a state or territory. In South Australia the Child Safety (Prohibited Persons) Act 2016 requires people who are working with children and young people or providing child-related work to have a working with children and young people check (WWCC)

6. Participation and Empowerment of Children and Young People

Carers SA is committed to the safety, participation and empowerment of all children and young people and will actively seek the views and feedback from children and young people.

Carers SA is committed to developing processes that inform and support. We will listen to and act on any concerns raised by children and young people.

Carers SA is committed to providing a positive safe environment free from intimidation, ridicule and harassment and has a responsibility to maintain a working environment free from negative and bullying or harassing behaviour.

Carers SA Bullying and Harassment Policy and Procedure states that as an organisation Carers SA is committed to creating and maintaining an environment which fosters mutual respect, integrity, and professional conduct. Carers SA does not tolerate any form of workplace bullying, discrimination or harassment of Carers SA staff and provides an environment where people can reach their full potential and are treated with fairness and respect.

Carers SA is committed to promptly investigate.

Any reports of workplace harassment will be treated seriously and investigated promptly, fairly and impartially. A person making a complaint and/or who is a witness to workplace harassment will not be victimised. All investigations and results from investigations will be treated confidentiality and will be used for the sole purpose of resolving the workplace bullying, harassment, or discrimination incident.

7. Valuing Diversity

Carers SA is committed to providing equitable access to services and employment opportunities. Carers SA strongly supports the continued inclusion of all people in all aspects of the organisation and will ensure that key documents such as the Service Charter, the Compliments, Comments and Complaints Charter will be translated to support a commitment to creating culturally inclusive services. We are committed to the cultural safety of Aboriginal and Torres Strait Islander children and young people, the cultural safety of children and young people from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children and young people with a disability.

Carers SA is committed to diversity and recognises the value of individual differences. Diversity in this context covers gender, age, ethnicity, cultural background, sexual orientation, and religious belief. Diversity also encompasses the ways people differ in terms of education, life experience, job function, work experience, personality, location, marital status, health status (including long term illness, mental health, or disability) and caring responsibilities.

Carers SA understands and is committed to creating and promoting inclusive services and working environments open to differences, welcoming of diversity, intolerant of harassment and discrimination; where all people are treated with respect, fairness, and justice.

8. Complaints Management

Carers SA's Compliments, Comments and Complaint Charter sets out the process by which the South Australian community can provide feedback to or lodge complaints in its dealings with Carers SA.

Carers SA has a strong commitment to providing high quality, responsive services to meet the needs of carers. Carers SA encourages carers and others to become actively involved in its service. We regularly seek active feedback through, service reviews, carer satisfaction forms, forums, research, social media discussions and other survey formats.

Carers SA will support children and young people to understand Carers SA's complaints, feedback, and reporting processes by involving Young Carers and is committed to developing child and young person friendly resources.

9. Recruitment and ongoing training and support

Carers SA takes all reasonable steps to ensure the most suitable and appropriate people are engaged to work or volunteer with or provide support or services to, children and young people.

Carers SA has robust human resources and recruitment practices to reduce the risk of child harm and risk of harm by Carers SA staff.

Carers SA implements child safe recruitment strategies, outlined in our Staff Recruitment Manual, Screening Policy and Recruitment Procedures and our Volunteer Recruitment Manual.

These include:

- Ensuring that the Carers SA Child Safety Statement of Commitment informs all job and volunteer role descriptions, advertisements, and contracts.
- Selection processes that include child safety questions at interview and in reference checking for roles that are child/young person facing (either directly or indirectly)
- Suitable recruitment screening processes including national police checks and working with children and young people checks.
- Carers SA Carers SA Child Safety Statement of Commitment is included in staff Induction package.

Carers SA is committed to ensuring that the workforce has appropriate and relevant child and young person safety training and to continuing the education of our Directors, staff and volunteers on child abuse risks and safety.

- Staff supervision and performance review is outlined in the Staff Supervision Policy and Procedure. Volunteer management is outlined in the Volunteer Management Policy and Procedure. Child Safety is included in both volunteer and staff supervision.
 - All Carers SA staff have access and are expected to complete Through Their Eyes Child Safe Environment Training. Child Safe Environment training supports our people to recognise, report and respond to children and young people who may be at risk of harm and builds their capacity to provide safe environments within the organisation. Other training is provided based on legislation and contemporary practice as prescribed by the Carers SA person's roles and responsibilities.
- Staff supervision policy and procedure
 - Volunteer Management Policy
 - Child Safe Training Procedure – **Appendix C**

10. Risk Management

The aim of this policy is not to eliminate risk. It is to assist Carers SA to manage the risks involved in its operations and to provide a safe workplace for staff and volunteers, a safe environment for all carers, and a reliable and sustainable development path for the organisation. Carers SA will put procedures in place that will as far as possible ensure that risks are minimised, and their consequences averted.

Managing Risk

The EMG shall nominate appropriate officers across teams and functional areas of Carers SA to conduct child safe risk assessments to:

- identify the risks attached to every element of their operation and the likelihood of that risk eventuating.
- identify practices to avert those risks.
- identify practices to mitigate the effects of those risks; and
- record those risks, those precautions, and those remedies in the form of deliverable checklists.

The Child Safe Officer shall support teams to undertake local child safe risk assessments to ensure consistency of approach.

Risk management assessment to be reviewed by Carers SA at least once a year to ensure that no risks have been overlooked or when new services/programs are developed.

11. Reporting Requirements

Regrettably, even with all the preventive measures detailed above, child abuse may still happen. It is important that in these cases, a solid system is in place to respond in an appropriate, effective and timely manner. The Child and Young Person Safety Reporting Procedure details Carers SA's zero tolerance approach to harm and risk of harm, which guides both internal and external reporting (including both mandatory and voluntary processes to SAPOL or the Child Abuse Report Line (CARL) at Department for Child Protection). In summary,

- All Carers SA staff are expected to follow the Reporting Procedure
- All Carers SA staff are expected to report all child and young people safety concerns, not just those who are mandated by law to do so. These may involve:
 - Witnessing an incident of abuse, harm or risk of harm
 - Receiving a disclosure of harm or risk of harm.
 - Forming a reasonable believe that a child or young person has or may be at risk of harm.
 - A breach of the Carers SA Code of Conduct relating to children and young people safety.
- Reports must be made whether the concern relates to a Carers SA person or non-Carers SA person.
- Carers SA maintain supportive and responsive procedures for fulfilling mandatory reporting obligations. Mandated Notifiers have obligations under the Child and Young People Safety Act 2017 to notify the relevant State Government authority if they suspect, on reasonable grounds, that a child has been or is being harmed or at risk of harm and the suspicion is formed in the course of their work (paid or voluntary) in carrying out official duties.
- Whilst the legal obligation to report suspicions of harm and risk of harm rests with Mandated Notifiers, Carers SA requires all Carers SA staff to also report internally. Mandated Notifiers should seek advice and support from their direct line manager if they are unsure of whether to make a report externally. Seeking this advice should never unnecessarily delay making a report.

12. Records, Privacy and Information Sharing

Carers SA's Privacy and Confidentiality Policy details how we protect and maintain confidentiality. We take appropriate security measures for the collection and maintenance of appropriate records related to children and young people during delivery of services and programs.

We collaborate and consult with other relevant agencies in matters concerning the protection of children and young people. We follow the South Australian Information Sharing Guidelines (ISGs) for promoting the safety and wellbeing of children and young people and their families. The Guidelines make clear under what circumstances information can be shared, with or without consent to share. We support Carers SA staff to understand the ISGs through our ISG Policy, Procedures and online training associated **Appendix F**.

13. Related Documents

Carers SA Code of Conduct – Annexure A

Carers SA Statement of Commitment - Annexure B.

Carers SA Child Safe Training Procedure – Annexure – C

Carers SA Child and Young Person Safety Reporting Procedure. Annexure D

Carers Risk Management Policy and Procedure – Annexure E

Carers SA Information Sharing Policy, Procedure and Guidelines Annexure F

Counselling And Disciplinary Policy and Procedure

Recruitment Policy and Recruitment Procedures Manual

Staff Induction Orientation Policy and Procedure

Staff Supervision Policy and Procedure.

Volunteer Recruitment Procedure

Volunteer Management Policy and Procedure.

Privacy and Confidentiality Policy

14. Related Legislation

Carers SA recognises its legislative obligations and is committed to the safety and wellbeing of children and young people who access our services. We act in accordance with legislated requirements and act to promote carers and the person they care for live in safe and risk free environments.

<u>Children and Young People (Safety) Act 2017 (SA)</u>	<p>Child protection legislation in South Australia require certain organisations to provide a child safe environment. All state authorities and persons or bodies who provide a service or undertake an activity that constitutes child-related work under the Child Safety (Prohibited Persons) Act 2016 must meet these obligations</p> <p><u>A mandated notifier</u> is required by law to notify the Department for Child Protection if they suspect on reasonable grounds that a child or young person is, or may be, at risk of harm. This obligation arises when a mandated notifier forms this suspicion in the course of their employment (whether paid or voluntary).</p> <p>17—<u>Meaning of harm</u> (1) For the purposes of this Act, a reference to harm will be taken to be a reference to physical harm or psychological harm (whether caused by an act or omission) and, without limiting the generality of this subsection, includes such harm caused by sexual, physical, mental or emotional abuse or neglect. (2) In this section— psychological harm does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life.</p>
<u>Child Safety (Prohibited Persons) Act 2016 (SA)</u>	<p>People working or volunteering with children and young people in South Australia must, by law, have a Working with Children and young people Check. A Working with Children and young people Check is an assessment of whether a person poses an unacceptable risk to children and young people. As part of the process, the Screening Unit will look at criminal history, child protection information and other information.</p>
<u>Civil Liability Act 1936 (SA)</u>	<p>In situations where one person owes another a <u>duty of care</u>, negligence is doing or failing to do something that a reasonable person would, or would not, do and which causes another person damage, injury or loss as a result. In South Australia the Civil Liability Act 1936 (SA) is used to assess the negligence of individuals and the liability they face as a result of any negligent acts on their part.</p>
<u>Criminal Law Consolidation Act 1935 (SA)</u>	<p>Criminal charges may apply <u>if a child dies or suffers harm</u> as a result of an act or breach of duty of care. In SA, it is already an offence under section 63B of the Criminal Law Consolidation Act 1935 (SA) to procure a child to commit an indecent act. It is now also an offence under section 139A of that Act to knowingly communicate, make false representations or arrange to meet with a child, with the intent to commit a grooming offence. Grooming offences only apply to children and young people (defined in S139A as a person under the age of 17). In SA, the age of consent for sexual interactions is 17 years.</p>
<u>Australian Human Right Commission Act 1986 (Commonwealth)</u>	<p>This act articulates the Australian Human Rights Commission’s role and responsibilities. It gives effect to Australia’s obligations including the Convention on the Rights of the Child, as well as others.</p>
<u>Commonwealth Criminal Code Act 1995 (Commonwealth)</u>	<p>Online grooming is the activity of adults making contact with young people online with the intention of initiating sexual contact with them in real life. Under the Commonwealth Criminal Code, it is an offence for an adult to use a carriage service to procure sexual activity with a person who they believe to be under 16 (Section 464.26). Importantly, this offence does not require any sexual activity to actually occur, nor does it require the person communicated with to actually be under the age of 16.</p>
<u>Privacy Act 1988 (Commonwealth)</u>	<p>The Privacy Act 1988 was introduced to promote and protect the privacy of individuals and to regulate how Australian Government agencies and organisations with an annual turnover of more than \$3 million, and some other organisations handle personal information.</p>

Combatting Child Sexual Exploitation Legislation Amendment Act 2019	Failing to protect child at risk of child sexual abuse offence applies to Commonwealth officers who know there is a substantial risk to a child (U18) by another person who has care or supervision responsibilities that would constitute a child sexual abuse offence and the Commonwealth officer fails to reduce or remove that risk.
	Failing to report child sexual abuse offence applies to Commonwealth officers who have a reasonable suspicion or know of information to believe that a child (U18) has been engaged in conduct by another person who has care or supervision responsibilities that would constitute child sexual abuse and fails to disclose the information to authorities.

15. Policy Review

This Policy will be reviewed every 6 months or in response to:

- a critical incident
- legislative changes

Carers SA will seek input from Carers SA people, children and young people and their families.

We will communicate any Policy updates at Carers SA staff development day and Carers SA agreed policy process.

16. Declaration

I _____ declare that I have received and read Carers SA Child and Young Person Safety Policy. I understand my responsibilities outlined in this policy. If I have any questions about my responsibilities I will seek support from my line manager.

SHAREPOINT PAGE			
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