

Child Safe, and Young Person Wellbeing Policy

Purpose:

- This policy demonstrates the strong commitment of the Board, staff, and volunteers of the Tailem Bend Community Centre Incorporated (TBCC) to promoting children and young people’s safety and wellbeing and in establishing and maintaining child safe and child friendly environments. TBCC will ensure that it has policies and guidelines in place that uphold this commitment.
- Providing guidelines to the Board, staff, and volunteers of TBCC to recognise the duty of care that it holds for the protection of children and young people participating in programs and services at the Centre.

Responsibilities and delegations	
This policy applies to	This policy, from the date of endorsement, applies to all people who conduct work for the TBCC in a paid or unpaid capacity working directly with children and young people. This may include, for example, staff & volunteers. It also applies to children, parents, carers, and other individuals involved in the Centre.
Specific responsibilities	<p>Communities for Children Project Officer-</p> <ul style="list-style-type: none"> • To provide a range of coordination and administration related duties, including records management and excellent customer service, in relation to the delivery of programs for children 0-12 years of age. • To implement programs, events and after school programs for children 0-12 years of age, and to promote these activities to the target group. <p>Communities for Children Facilitator-</p> <ul style="list-style-type: none"> • To provide a variety of facilitation and administration related duties, including records management, data collection and the provision of excellent service delivery, in relation to the programs for children 0-12 years of age and their families. • To facilitate programs for children 0-12 years of age and their families, encouraging them to participate in activities, events specifically evidenced based (children and parent) programs.

<p>Statement of Intent</p>	<ul style="list-style-type: none"> • All children and young people who come to TBCC have a right to feel safe, have their rights respected, participate in decision-making, and have their voices heard. • TBCC is 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 priority. We aim to create a child safe and child friendly environment where all children are valued and feel safe. • TBCC has adopted comprehensive policies, procedures, practices, and risk management strategies that are clear, meaningful, and accessible and demonstrate a commitment to creating and maintaining a child safe environment. • It is a critical aspect of our duty of care to children and staff, volunteers, parents, and children are informed and provided with guidance on how to maintain a child safe environment. • TBCC strives to maintain (age-appropriate language) effective communication and participation strategies for engaging with and responding to the diverse needs of families and communities. • All children and young people are embraced regardless of their abilities, sex, gender, or social economic or cultural background and equity is upheld. • Bullying and harassment will not be tolerated. • We will use consultation methods suited to children and young people, considering factors such as age, developmental level and cultural backgrounds. • Surveys will be conducted using various engagement platforms or hard copy using images or age-appropriate questions. • Our Child Safe and Young Person Wellbeing policy is available to children, young people, and their families. Anyone can access the policy on TBCC website, in the policy folders held at reception and at induction. It is also given when becoming a member. • Community consultation in partnership with ac.care Communities for Children Murraylands inviting children and young people to share their vision and goals for service delivery. • National Child Safe Principles for Child Safe Organisations and Australian Human Rights Commission Children’s Rights is displayed in the entrance to TBCC as well as at all workstations.
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Definitions

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

Child protection: Any measure taken to safeguard children from harm and risk of harm.

Duty of Care: The law says that if it is foreseeable that a person might suffer some sort of harm or loss because of something someone else does, or fails to do, then they owe that person a duty of care; the responsibility of organisations to provide children in their care with an adequate level of protection against 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 abuse. 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: Physical or psychological harm (whether caused by an act or omission), including harm caused by sexual, physical, mental or emotional abuse or neglect.

At Risk: A child or young person will be taken to be **at risk** if – the child or young person has suffered harm (being harm of a kind against which a child or young person is ordinarily protected) or there is a likelihood that the child or young person will suffer harm (being harm of a kind against which a child or young person is ordinarily protected).

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 considered 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 grounds¹.”

Mandatory Reporting: A requirement, by law, that a person must notify the Child Abuse Report Line when it is suspected, on reasonable grounds, that a child has been, or is being harmed or at risk of harm.

Mandated Notifier: A person who must, by law, report suspected harm or risk of harm of a child formed during a person’s work, regardless of whether it is paid or voluntary work, or in the carrying out of official duties. Those currently required to report include prescribed health practitioners; police officers; community corrections officers; social workers; ministers of religion; employees of, or volunteers in, an organisation formed for religious or spiritual purposes; teachers employed as such in a school, preschool or kindergarten; employees of, or volunteers in and organisation that provides health welfare, education, sporting or recreational, child care or residential services wholly or partly for children and young people or who 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.

Participants/groups: may be vulnerable because of their age, have a disability, or because of their circumstances and may include children and young people, older people, people with physical, developmental, social, emotional, or other disabilities and people who have been victims of trauma, crime, or torture.

¹ Our Community (2018) Child Protection Policy

<https://www.communitydirectors.com.au/files/policybank/ChildProtectionPolicy2018-02.doc>

Negligence: where the standard or duty of care owed to a person by an organisation has been breached, causing that person to suffer some form of damage. Examples of negligence might include failure to perform adequate referee checks, not responding to complaints or allegations, lack of adequate supervision or guidance for staff.

Working with Children Check: a working with children check conducted by the Department of Human Services Screening Unit in accordance with Child Safety (Prohibited Persons) Act 2016. An application to be made to DHS Screening Unit. South Australia has introduced stronger, more effective, and transparent screening laws for people working or volunteering with children. WWCC replaces all other types of child-related employment screening checks. Working with Children Check must come back with 'Not Prohibited' for all Staff and Volunteer.

National Police Check: (also known as a National Police Certificate (NPC) or National Criminal History Record Check) – An application made to SAPOL to see if an individual has a criminal history record receives an NPC. SAPOL conducts a national check which will show a proven court outcome in Australia.

A criminal history assessment: requires an organisation to use the information in a police check to conduct an assessment of the person's criminal history and to decide about whether to employ the person in a paid or volunteer capacity working with children or vulnerable groups. Please note if a Working with Children Check status shows 'Prohibited', no exceptions can be made, and the person is not able to work with children and young people.

Code of Conduct: TBCC has a code of conduct that applies to every participant (including staff and volunteers) that is involved within the activities and programs conducted by TBCC. Anyone can access the Code of Conduct on our website, displayed on walls within the building and at induction. It is also given when becoming a member. It states how people can report a breach of the code of conduct and the consequences for a breach.

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.

Procedures

Roles and responsibilities of governing body, staff, and volunteers

All members of the staff & volunteers must:

- sign and act in accordance with the TBCC Inc Code of Conduct as part of their induction into the organisation, to always commit to keeping children safe within the organisation and act in their best interests.
- Provide a safe environment where every person has the right to be treated with respect and is safe and protected from harm. Inclusion will be ensured for children and young people of diverse cultures, genders, gender identity, sexual orientation, social class, physical and intellectual abilities, and religious beliefs are respected, and equity upheld.

- Have a duty of care to children and young people while they are under the care or supervision of staff and volunteers. This duty of care requires the TBCC to take reasonable steps to protect children from foreseeable risks. The TBCC recognises that failing to provide children with an adequate level of protection from harm can result in immeasurable psychological, emotional, social, physical, and financial cost to the child and their family.
- TBCC believes that actively promoting the organisation as a child safe organisation and educating and informing, staff, volunteers and the community on the risks and forms of child harm and risk of harm will assist in maintaining a child safe environment.
- TBCC complies with our obligations under the Child Safety (Prohibited Persons) Act 2016, including Part 5 – Working with Children Check.
- TBCC complies with the Child safe environments provisions of the Children and Young People (Safety) Act 2017.
- TBCC's child safe policies align with the National Principles for Child Safe Organisations, adopted by South Australia in July 2021.

Board of Management

The Board 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 abide by these to prevent and respond to harm or risk of harm to children and young people. They must also be aware of their legal liability for failure to report harm or risk of harm or failure to reasonably protect based on known risks.

Management

Management should be aware of all mandatory and voluntary reporting obligations which apply in the jurisdiction in which TBCC 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.

Child Safe Officer

The C4C Project Officer will act as TBCC Child Safe Officer supported by C4C Administration/Facilitator and TBCC CEO. TBCC's Child Safe Officer will provide information, respond to any questions or concerns about child safety related issues, and will support and educate as required in the event of any incident or allegation coming to light. CSO role is an educative and support role, they should have no role in reporting unless they are the person to identify harm to a child or young person. The person who identifies harm to a child or young person will be required to report to authorities first. The Child Safe Officer is the contact person for external bodies and will coordinate with the CEO to investigate any incidents or allegations of harm with the authorisation of Department for Child Protection or SA Police.



Staff, Volunteers

Staff and volunteers have a responsibility to comply with this policy and 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 harm or risk of harm to children and young people, including internal and external reporting.

Working with Children Checks and National Police Check

TBCC will ensure that all staff and volunteer position descriptions includes requirements for a valid, not prohibited Working with Children Check (WWCC) and a National Police Check.

Via the DHS portal, applications for Working with Children Checks can be commenced. TBCC completes the application which sends an email to the participant to commence application.

Once a Working with Children Check and National Police Check has been supplied, participant is required to present it to the TBCC CEO.

At interview, participant will be notified they are required by law to tell us if they have committed a crime since their last Working with Children Check or National Police Check.

TBCC has a VOAN with SAPOL that allows National Police Checks to be conducted at no cost for volunteer staff. Completed forms by participants and handed to the CEO to enter VOAN information, and then taken by participants to the local police station with appropriate ID for submission. Alternatively, participants can provide ID to TBCC for a Justice of the Peace (JP) to authorize and then mail it to GPO Box 1539 Adelaide SA 5001.

TBCC will not release specific details of the National Police Checks to any party other than the Committee, but will indicate that a record exists.

The Working with Children Check must show the person is 'Not Prohibited', this will be recorded in TBCC consumer management system Maisy for future reference. If a Working with Children Check (WWCC) states a person is 'prohibited' from working with children and young people, no exceptions can be made.

Following the decision to appoint or not appoint the applicant, the outcome of the Authority to Access Offender History Information will be returned to the applicant.

The applicant's personal file will only indicate that the person has undergone a Working with Children Check. The record number and date of expiry and date of verification will be noted and signed by the CEO.

TBCC will verify new employees have a current, not prohibited WWCC before employing them to work with children and for existing employees, we will verify they have renewed their WWCC every 5 years and the status remains as not prohibited. Verification will be done online through the Organisation Portal accessed via the DHS Screening Unit (see Child Safety (Prohibited Persons) Act 2016, Section 17(1)(b) and Regulation 11(1)).

TBCC will immediately contact the Department of Human Services Screening Unit when we become aware of certain information regarding any person involved with your organisation, including any serious criminal offence, child protection information, or disciplinary or misconduct information.

Staff Recruitment, Supervision and Training

Advertising a position

When advertising a position that is child-related, TBCC Statement of Commitment to child safety will be included in the advertisement. The position description will include the duty of care obligations of staff, TBCC's zero tolerance policy 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 positions within the organisation will be screened for a Working with Children Check, National Police check 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 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 paid and unpaid staff will require evidence of a valid, not prohibited Working With Children Check (WWCC) following the procedure above no matter if their role works with children and young people or not.

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 harm and risk of harm to children and young people 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, work history and include behavioural questions on child protection.

Staff training and development

All new staff and volunteers will receive a copy of the organisation's Child Safe, and Young Person Wellbeing policy, Risk Management Policy (Child Safe), Statement of Commitment to the Safety and Wellbeing of Children, Code of Conduct and Feedback and Complaints policy and be guided through the application of these policies and procedures throughout the staff induction process.

Staff training should include staff mandatory and voluntary reporting and duty of care obligations, how to identify and minimise risks of harm to children and young people, organisational policies and procedures relating to child safety, how to protect all children with from harm or risk of harm, promoting the cultural safety of Aboriginal and Torres Strait Islander children and CALD children, etc.

TBCC will include information about mandatory reporting in its induction process and will provide RRHAN-EC (Responding to Risks of Harm, Abuse and Neglect-Education Care) training to all staff working directly with children. Tailem Bend Community Centre Inc will also provide Child Safe Environments training to all staff and volunteers. This will include completing the Safe environments for children and young people "Through their eyes" Full day training program.

All staff and volunteers will complete the National Principles for Child Safe Organisation training modules.

Continuous development and training, and refresher training, will occur every 3 years.

Ongoing supervision

All staff and volunteers will have a more senior officer/s 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 (Annual) staff performance reviews will also include an assessment of staff members' adherence to child safety and wellbeing procedures.

Risk management

Child safety risks are included in the organisation's risk management policy and processes. This includes risks in physical and online environments relevant to the service type/s provided by the organisation, people in contact with children, and any specific vulnerabilities of the children.

Where a risk is identified and not appropriately managed, CEO and the board of management may be held legally liable, as this may constitute a 'failure to protect'.

To help maintain a safe and culturally diverse environment for children, TBCC will review its risks regularly and implement strategies to minimise and manage processes.

Any children and young people that are involved at TBCC are registered in the Communities for Children program and complete and sign a registration form. This form gives permission for information sharing and photos to be shared. If the boxes are not marked as a Yes to sharing, then a Red Flag will be added to our computer system. All Communities for Children programs that are delivered to children and young people are delivered by 2 trained facilitators.

Reporting, and responding to general complaints and feedback

TBCC staff, members and volunteers will encourage children to express their views, and make suggestions where appropriate, especially on matters that directly affect children.

TBCC will teach children what they can do if they feel unsafe and listen to and act on any concerns children, or their parents raise. This includes educating children and young people on their rights, including their right to safety and right to be listened to.

Children, young people, and families can make a complaint or provide feedback in person or fill out a confidential, consumer feedback form that are in the front reception and place it in the pigeonhole. We also provide ongoing opportunities for feedback through surveys and questionnaires (Hard copy and/or online) They are informed of this when they first join the organisation in age and developmentally appropriate language. They will be handled sensitively and investigated and responded to in a timely manner.

The process that follows can be found on the TBCC website policies and procedures.

Feedback and complaints feedback and complaints policy.

<https://www.tbcc.org.au/policies-procedures/>

Reporting and Responding to Harm - Mandatory reporting obligations

Tailem Bend Community Centre Inc is committed to the safety and well-being of all children and young people accessing our services in accordance with its obligations under the Children and Young (Safety) Act 2017 Chapter 5 Part 1 30-31 – Children and young people at risk; Reporting of suspicion that child or younger person may be at risk. Tailem Bend Community Centre Inc will not tolerate incidents of harm or risk of harm to children and young people. All staff and volunteers in our organisation are considered mandated notifiers and are required by legislation 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, harmed or at risk of harm or SA Police on 000 if at immediate risk. The person who identifies the harm is the person to make the report.

Staff and volunteers must report to the TBCC CEO any reasonable suspicion that a child has been, or is being, harmed or at risk of harm by another member of staff, or volunteer following a report being made to the Child Abuse Report Line or SA Police.

Following a report being made to the authorities, TBCC will support the child or young person by providing them information about services that can assist such as the Kids Helpline on 1800 55 1800 and Youth Helpline on 1300 13 17 19.

Conducting investigations

Following a report to CARL or SA Police of harm or risk of harm to a child or young person, external authorities may undertake an investigation. All employees must fully cooperate with any external investigation that takes place.

Even when an external investigation is not required, it is recommended that an internal investigation is conducted with the approval of the Department for Child Protection or SA Police to prevent future occurrences of similar incidents. Internal investigations will be conducted in accordance with the principles of natural justice and will remain confidential (however there may be a need to interview or consult other staff members during the investigation).

The employee against whom an allegation is made may be stood down and will be removed from any role that has contact with children and young people until a decision is made about whether an offence has been committed and the investigations are concluded. If the investigation concludes that an offence has been committed, or is likely to have been committed, disciplinary action will be taken proportionate to the severity of the offence. TBCC will ensure the person is removed from any role that has contact with children and young people until investigations are concluded.

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

Procedures for review of this policy

This policy will be reviewed and updated at least every five years as required by the Children and Young People (Safety) Act 2017, by Child Safety Officer and any changes made will be approved by the Board of Management. A new compliance statement will be lodged with the Department of Human Services each time it is reviewed and updated.



The policy will also be reviewed after any reportable incident, to ensure that it is up to date with current best practice in preventing and responding to harm or risk of harm to children and young people incidents and allegations.

This policy will be communicated via regular information sessions with staff and volunteers and be available on the staff dropbox.

Contact information for the relevant state/territory, including hotlines for reporting incidents


If a child or young person is believed to be at immediate risk of harm, contact the police:
Emergency - 000

Taillem Bend Police – 08 8572 4210

If a child or young person is believed to have been or is at risk of harm, then contact:
Child Abuse Report Line – 13 14 78

Child Safe Officers –

Communities for Children Project Officer: Katrina Touzeau 08 8572 3513 c4c@tbcc.org.au CEO:
Tammy Shepherd 08 8572 3513 ceo@tbcc.org.au

First Formulated	June 2015
Dates approved by board	V1 Dec 2021 (adapted from Child Safe and Wellbeing Policy) V2 March 2023
Next Review Date	Dec 2026
Standards	<p>National Principles for Child Safe Organisations https://childsafeframework.gov.au/national-principles</p> <p>Overview of child protection legislation across state and territory jurisdictions, Resource sheet developed by the Australian Institute of Family Studies https://aifs.gov.au/cfca/publications/australian-child-protection-legislation</p> <p>ISG Practice Guide https://www.childprotection.sa.gov.au/child-protection-initiatives/information-sharing-guidelines</p> <p>Child safe environments https://dhs.sa.gov.au/services/community-and-family-services/child-safe-environments</p> <p>Rights of every child https://www.unicef.org.au/our-work/information-for-children/un-convention-on-the-rights-of-the-child</p> <p>Know your rights and responsibilities https://sites.unicef.org/rightsite/files/Know_your_rights_and_responsibilities.pdf</p> <p>Children's rights and responsibilities flyer https://sites.unicef.org/rightsite/files/rights_leaflet.pdf</p>
Legislation	<p>Family Law Act 1975 https://www.legislation.gov.au/Details/C2019C00101</p> <p>Equal Opportunity Act 1984 https://www.legislation.sa.gov.au/LZ/C/A/EQUAL%20OPPORTUNITY%20ACT%201984.aspx</p> <p>Work Health & Safety Act https://www.legislation.sa.gov.au/LZ/C/A/WORK%20HEALTH%20AND%20SAFETY%20ACT%202012.aspx</p> <p>Children and Young People (Safety) Act 2017 https://www.legislation.sa.gov.au/LZ/C/A/Children%20and%20Young%20People%20(Safety)%20Act%202017.aspx</p> <p>Child Safety (Prohibited Persons) Act 2016 https://www.legislation.sa.gov.au/LZ/C/A/CHILD%20SAFETY%20(PROHIBITED%20PERSONS)%20ACT%202016/CURRENT/2016.49.AUTH.PDF</p> <p>Commonwealth Privacy Act 1988 https://www.legislation.gov.au/Details/C2004A03712</p> <p>Department Human Service DHS Critical Client Incidents Policy Coronial Policy https://www.sa.gov.au/topics/housing/public-and-community-housing/community-housing-organisations/managing-a-community-housing-organisation/managing-critical-client-incidents</p> <p>State Records Act 1997 https://www.legislation.sa.gov.au/LZ/C/A/STATE%20RECORDS%20ACT%201997.aspx</p> <p>Guardianship and Administration Act 1993 https://www.legislation.sa.gov.au/LZ/C/A/GUARDIANSHIP%20AND%20ADMINISTRATION%20ACT%201993.aspx</p> <p>Workplace Gender Equality Act 2012 https://www.legislation.gov.au/Details/C2016C00895</p> <p>Australian Human Rights Commission Act 1986 (Federal) https://www.legislation.gov.au/Details/C2019C00030</p> <p>Crimes Act 1914 (Federal) https://www.legislation.gov.au/Details/C1914A00012</p> <p>Criminal Law Consolidation Act 1935 (SA) https://www.legislation.sa.gov.au/LZ/C/A/CRIMINAL%20LAW%20CONSOLIDATION%20ACT%201935/CURRENT/1935.2252.AUTH.PDF</p> <p>Fair Work Act 2009 https://www.legislation.gov.au/Details/C2021C00189</p> <p>Volunteers Protection Act 2001 (SA) https://www.legislation.sa.gov.au/LZ/C/A/VOLUNTEERS%20PROTECTION%20ACT%202001/CURRENT/2001.65.AUTH.PDF</p>
Organisation policies	<p>Risk Management Policy (Child Safe)</p> <p>Statement of Commitment to the Safety and Wellbeing of Children</p> <p>Code of Conduct</p> <p>Feedback and Complaints Policy</p>
Policy approval	TBCC Board of Management
<p>Signed on behalf of TBCC Board of Management by: Name: Judy Bagg</p>	
Position held: Chairperson	<p>Signature: </p> <p>1 March 2023</p>