

1.20 Child Safe Policy and Procedure

Effective from: 7 April 2023

Next Review: 7 April 2028

POLICY STATEMENT

This policy demonstrates the strong commitment of Yadu Health Aboriginal Corporation (YHAC) to comply with the child safe provisions of the *Children and Young People (Safety) Act 2017*, *Child Safety (Prohibited Persons) Act 2016* and the National Principles for Child Safe Organisations. The policy also outlines the roles and responsibilities of employees to maintain child safe environments where children and young people are valued and respected.

RELATION TO OTHER DOCUMENTS

1.25 Child Safe Code of Conduct

11.19 WH&S Management Support in Dealing with Distressing Situations Procedure

1.7 Consumer Feedback Policy

1.1 Consumer Feedback Procedure

1.26 Child Safe Risk Management Policy and Procedure

1.4 Risk Management Procedure

1.2 Risk Management Policy

1.27 Diversity and Inclusion Policy and Procedure

1.30 Child Safe Complaints Policy and Procedure

National Principles for Child Safe Organisations

Injury and Incident Notification Form

SNAICC's ['Keeping Our Kids Safe: Cultural Safety and the National Principles for Child Safe Organisations'](#)

SCOPE

This policy applies to all people who conduct work for, or are connected to YHAC in a paid or unpaid capacity who are responsible for creating and maintaining a child safe environment. This includes:

- Employees (permanent, fixed term and casual);
- Contractors;
- Volunteers; and
- Any other individual involved with YHAC.

DEFINITIONS - Children and Young People (Safety) Act 2017

Harm

(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.

At Risk

(1) For the purposes of this Act, a child or young person will be taken to be **at risk** if—

- (a) the child or young person has suffered harm (being harm of a kind against which a child or young person is ordinarily protected); or
- (b) 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); or
- (c) there is a likelihood that the child or young person will be removed from the State (whether by their parent or guardian or by some other person) for the purpose of—
 - (i) being subjected to a medical or other procedure that would be unlawful if performed in this State (including, to avoid doubt, female genital mutilation); or
 - (ii) taking part in a marriage ceremony (however described) that would be a void marriage, or would otherwise be an invalid marriage, under the Marriage Act 1961 of the Commonwealth; or
 - (iii) enabling the child or young person to take part in an activity, or an action to be taken in respect of the child or young person, that would, if it occurred in this State, constitute an offence against the Criminal Law Consolidation Act 1935 or the Criminal Code of the Commonwealth; or
- (d) the parents or guardians of the child or young person—
 - (i) are unable or unwilling to care for the child or young person; or
 - (ii) have abandoned the child or young person, or cannot, after reasonable inquiry, be found; or
 - (iii) are dead; or
- (e) the child or young person is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence; or
- (f) the child or young person is of no fixed address; or
- (g) any other circumstances of a kind prescribed by the regulations exist in relation to the child or young person.

(2) It is immaterial for the purposes of this Act that any conduct referred to in subsection (1) took place wholly or partly outside this State.

(3) In assessing whether there is a likelihood that a child or young person will suffer harm, regard must be had to not only the current circumstances of their care but also the history of their care and the likely cumulative effect on the child or young person of that history.

(4) In this section— female genital mutilation means—

- (a) clitoridectomy; or
- (b) excision of any other part of the female genital organs; or
- (c) a procedure to narrow or close the vaginal opening; or
- (d) any other mutilation of the female genital organs, but does not include a sexual reassignment procedure or a medical procedure that has a genuine therapeutic purpose; sexual reassignment procedure means a surgical procedure to give a female, or a person whose sex is ambivalent, genital characteristics, or ostensible genital characteristics, of a male.

(5) A medical procedure has a genuine therapeutic purpose only if directed at curing or alleviating a physiological disability or physical abnormality.

Child or young person: A person under the age of 18 years (unless otherwise specified in relevant

legislation).

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, their family and/or others for the purpose of subjecting them to sexual 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.

Reasonable grounds: Reasonable grounds to form a suspicion that a child or young person may be at risk 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.

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.

LEGISLATION

Family Law Act 1975 (Cth)

Children and Young People (Safety) Act 2017

Child Safety (Prohibited Persons) Act 2016 (SA)

Equal Opportunity Act 1984 (SA)

Disability Discrimination Act 1992 (Commonwealth)

Summary Offences Act 1953 of the Criminal Law Consolidation Act 1935.

New criminal offences under Statutes Amendment (Child Sexual Abuse) Act 2021

POLICY AND PROCEDURE

Statement of Commitment

YHAC is committed to the safety and well-being of all children & young people accessing our services and has a duty of care to children and young people, to take reasonable steps to keep them safe from harm and provide a safe environment.

YHAC is committed to:

- zero tolerance to harm, risk of harm and/or neglect of a child
- the safety of children with a disability, Aboriginal and Torres Strait Islander children and to the cultural safety of CALD children
- respecting different cultural traditions and child rearing 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
- providing opportunities for participation of children in the development of child safe policies and procedures, and how children are to be consulted in the process of developing and updating policies and procedures relating to child safety
- taking every concern and allegation seriously, in line with the principles of procedural fairness
- believing children when they raise a concern or make an allegation

All children and young people who come to YHAC have a right to feel and be safe. Children and young people are valued, respected and encouraged to participate and the safety and protection of children and young people is always the first priority.

Everyone within YHAC has a role to play in ensuring a safe environment for children. This includes management, employees and volunteers working with children, or near them, and employees with access to the records of children.

Communication

Once endorsed YHAC's Child Safe Policies and Procedures and Child Safe Code of Conduct will be available on YHAC's website and will be available for all community members, employees, and Board of Directors to access. Currently 'Keeping our Kids Safe: Cultural Safety and the National Principles for Child Safe Organisations' is available on the YHAC [website](#). YHAC's policies and procedures are available to all employees and Board of Directors and as part of induction it is required that employees verify that they have read and understood the policies on the HR platform.

Participation

YHAC encourages and respects the views of children and young people who access services. YHAC listens to and acts upon any concerns that children & young people, or their families raise. YHAC will ensure that children, and their families know their rights and how to access the feedback/complaints procedures.

The YHAC Child Health Team consisting of experienced Aboriginal Health Workers and Registered Nurses provides clear age-appropriate or developmentally appropriate explanations to children and allow for questions during consultation and treatment. YHAC employees allows children & young people to have a voice in decision-making as appropriate.

YHAC participates in many community events that involve children, young people and their families including events in schools, childcare centres, preschool and health promotion activities. YHAC encourages community participation and has a consumer feedback process to provide opportunity to give suggestions, complaints, and feedback.

YHAC values diversity and does not tolerate any discriminatory practices guided by YHAC's Diversity and Inclusion Policy and Procedure.

Code of Conduct

All members of the governing body, management, staff and volunteers and contractors are required to abide by YHAC's Child Safe Code of Conduct, which sets out the appropriate standards of behaviour within YHAC. The Code should be interpreted with integrity, transparency and common sense, with children's best interests as the primary objective.

Any person found to be breaching this Code of Conduct will face disciplinary action relative to the seriousness of the breach and may be subject to criminal proceedings. This may include termination of employment with YHAC.

All staff, volunteers, families, and community members are required to speak up if they have concerns about the safety of children. Complaints about a breach of this Code of Conduct must be reported to the Chief Executive Officer, phone 86262500.

Some breaches of this Code of Conduct may need to be reported to external authorities such as Child Abuse Reporting Line (CARL) on 13 14 78. Refer to Child Safe Complaints Management Policy for more information about our reporting obligations as well as information on the protections and confidentiality provisions for anyone making a report.

Staff Recruitment

YHAC will take all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children. YHAC employs a range of screening measures and applies best practice standards in the screening and recruitment of employees and volunteers.

YHAC's commitment to the safety and wellbeing of children and young people will be highlighted in job advertisements and position descriptions, and at least two referee checks will be conducted when recruiting new employees.

DHS Working with Children Checks (WWCCs) are mandatory for all staff and Board of Directors in line with requirements under the Child Safety (Prohibited Persons) Act 2016. On recruitment National Police Screening are also mandatory for all YHAC employees.

YHAC meets the requirements of the Child Safety (Prohibited Persons) Act 2016 which requires that staff and volunteers have a current, 'not prohibited' WWCC issued by the DHS Screening Unit. On employment and every five years thereafter WWCCs are renewed for existing YHAC employees through the Portal via the DHS Screening Unit.

YHAC will advise the Screening Unit when it becomes aware of certain information regarding any person involved with the organisation, including any serious criminal offence, child protection information, or disciplinary or misconduct information.

Supervision, training and support for employees, volunteers

All new staff and volunteers must verify that they have read and understood YHAC's 1.20 Child Safe Policy and Child Safe Procedure, 1.25 Child Safe Code of Conduct and 1.30 Child Safe Complaints Management Policy and Procedure on the HR platform. All employees will be guided through the application of these policies and procedures throughout the staff induction process as well as ongoing in-service training.

YHAC employees that provide services directly to children and young people and Managers that have direct responsibility for, or direct supervision of, the provision of those services to children and young people are mandated notifiers. They are required to attend 'Safe Environments: Through Their Eyes' training course every 3 years and to attend refresher updates annually. A training register is maintained.

Following recruitment continuous development and training, and refresher training, around child safety topics will occur annually. Staff training will include staff mandatory and voluntary reporting and duty of care obligations, how to identify and minimise risks that may cause harm to children and young people, organisational policies and procedures relating to child safety, how to protect children with disability from risk of harm, and promoting the cultural safety of Aboriginal and Torres Strait Islander children and CALD children. SNAICC's 'Keeping Our Kids Safe: Cultural Safety and the National Principles for Child Safe Organisations' is available on the YHAC website for viewing.

All staff and volunteers will have a more senior officer 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.

Child Safety will be included as a standing item on meeting agendas.

Reporting and responding to harm or risk of harm

Under Section 30 of the Children and Young People (Safety) Act 2017 all YHAC employees are mandated notifiers who have a legal obligation to report a reasonable belief that a child or young person has been harmed or is at risk of harm.

Reports regarding the reasonable belief that a child or young person is, or may be, at risk of harm will be made to the Child Abuse Report Line (CARL) on 13 14 78 or if at immediate risk, report to South Australia Police (SAPOL) on 000. In cases involving Aboriginal children and young people, support is provided by Yaitya Tirramangkotti - an Aboriginal team, via the CARL number.

The person who identifies the harm or risk of harm is the person who makes the report to CARL/SAPOL and this is not reported internally for another staff member to determine if it is a reportable matter.

The reporting person will be guided by the relevant authority (CARL/SAPOL) about whether an internal investigation is appropriate.

In addition to making a report to CARL, employees must also report to management any reasonable suspicion that a child has been, or is being, risk of harmed or neglected by another employee by completing an Injury and Incident Notification Form which is escalated to the Manager and lodged with the Quality Management System LOGIQC. The Manager will escalate as required to determine what actions or strategies are to be conducted to ensure a child safe environment is maintained.

The employee making the report will be encouraged to seek support through YHAC's contracted Employee Assistance Program.

Supporting children, young people and their families

YHAC will ensure where a report is made, support for the child or young person will be provided.

This support may include:

- Referring the child, young person or their family to other appropriate services;
- Displaying information in our waiting area about other relevant services that may help; and
- Ensuring that the child or young person's medical needs continue to be met following the making of a report.

Dealing with reports or concerns relating to the actions of an employee of our organisation

Employees must report any concerns about the behaviour of another employee to management.

In response to any report to management concerning an employee of this practice, management may determine to take disciplinary action against the employee and take other protective actions to ensure the safety of children and young people.

Reporting and responding to general complaints or feedback

(refer to 1.30 Child Safe Complaints Management Policy and Procedure for more detailed information)

YHAC aims to provide a service that meets the needs of consumers and strives for a high standard of care. Feedback from consumers or family members, stakeholders, all YHAC staff on behalf of consumers, or the general public about the safety and quality of care provided are welcome and are considered part of continuous quality improvement.

YHAC supports a culture of openness and willingness to learn from consumer feedback including comments, suggestions, compliments, "stories" and complaints and is committed to an effective and fair system of managing consumer feedback.

Information is provided about the consumer feedback policy and process in a variety of ways including:

- YHAC website and social media site
- consumer feedback brochure
- publicity about the service
- posters in all areas
- suggestion box accessible to consumers in waiting
- staff inviting feedback and comments.

Complaints are to be formally acknowledged in writing or in person within 48 hours (2 business days). An acknowledgement must be provided with contact details for the person who is handling the complaint, how the complaint will be dealt with and the timeframe for resolution. Refer to YHAC's Child Safe Complaints Management Procedure for further actions.

If a complaint raises issues that require notification or consultation with an external body, the notification or consultation is to occur within three working days of those issues being identified.

Complaints are to be investigated and a response made within 35 days of receipt, however if the complaint is not resolved within 20 days, the consumer and staff who are directly involved in the complaint are to be provided with an update by the Coordinator.

The Manager will carry out investigations of complaints to identify what happened, the underlying causes of the complaint and preventative strategies. Information is gathered from:

- Talking to staff directly involved.
- Listening to the consumers views.
- Reviewing medical records and other records; and
- Reviewing relevant policies, standards or guidelines.

The Manager will prepare monthly reports on all categories of consumer feedback and submit to the Program Manager for reporting to the CEO and the Board.

Risk Management

(refer to 1.26 Child Safe Risk Management Policy and Procedure for more detailed information)

Identifying and managing child safety risks

Child safety risks are described in the Child Safe Risk Management Policy and Procedure. This includes risks in physical and online environments relevant to the service types provided by YHAC, people in contact with children, and any specific vulnerabilities of the children.

All staff, volunteers and managers will be trained in identifying, assessing and managing these risks, and detecting signs of risk of harm. Training will also include protective factors that reduce the risk of harm, and ways to promote these protective factors in the context of the organisation.

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

Strategies to minimise risk

YHAC will take steps to minimise the risks to children due to the actions or omissions of employees, contractors, or other people within the organisation.

Strategies to minimise and control risks to children and young people include:

- All employees must abide by our child safe policy and Code of Conduct;
- Employees are aware of and are responsive to the particular needs and vulnerabilities of children and young people (such as age, language barriers, developmental capabilities, disability, mental health, trauma or risk of harm);
- All employees are made aware that young children entering YHAC must be supervised at all times. Where a child or young person is unaccompanied by a parent or caregiver, the practitioner will consider whether a chaperone is required;
- Employees provide clear age-appropriate or developmentally appropriate explanations to children and young people about the consultation and allow for questions prior to examination;
- Where treatment requires physical contact, employees will first seek the consent of the child, young person and their parents (where applicable);
- Employees confirm the identity of any child receiving treatment;
- Concerns that children, or their families or carers raise are responded to quickly and fairly;
- Employees understand their obligation to notify the **Child Abuse Report Line on 13 14 78** as soon as practicable if they have a reasonable suspicion that a child or young person has been or is at risk of harm or neglected

- We ensure a physically and socially safe environment, for children and young people, that is free of any identifiable hazards.

Evaluation of these strategies and the development of additional strategies, to minimise and control risks to children and young people, occur as part of our ongoing risk management process.

Cultural safety for Aboriginal and Torres Strait Islander children

Employees and volunteers will encourage and support children to express their culture and enjoy their cultural rights. Staff and volunteers must actively support and facilitate participation and inclusion within the organisation by Aboriginal and Torres Strait Islander children and their families.

YHAC supports, guides and trains staff and volunteers and leaders to understand, respect and value Aboriginal and Torres Strait Islander children culture and to understand the importance of this to the wellbeing and safety of Aboriginal and Torres Strait Islander children. YHAC actively supports and facilitates participation and inclusion of Aboriginal and Torres Strait Islander children and their families by employing Aboriginal and Torres Strait Islander people.

YHAC recognises and celebrates Aboriginal and Torres Strait Islander peoples, their achievements, communities and cultures this is done by:

- Acknowledgement of country at all performances
- Consulting with Aboriginal and Torres Strait Islander community members to identify opportunities to promote Aboriginal and Torres Strait Islander culture;
- Celebrating NAIDOC week and acknowledging other significant events such as National Sorry Day and National Reconciliation Week;
- Consulting with families and members of the Aboriginal and Torres Strait Islander community to identify opportunities to promote Aboriginal and Torres Strait Islander culture and practices
- Seeking feedback from Aboriginal and Torres Strait Islander children, families and communities on their experience, including feedback on how they feel expressing their identity including their culture.

Policy Review

YHAC shall review the policies and procedures every 5 years as required by the *Children and Young People (Safety) Act 2017*. YHAC will lodge a new child safe environments compliance statement with Department of Human Services each time the policy is reviewed and updated.

Documents will also be reviewed and updated when:

- new or added risks are identified for children or young people, which may require a change in the policy or procedures
- a critical incident where a child or young person has experienced harm through involvement in YHAC
- concerns are raised by anyone involved in YHAC about child safety or welfare in the organisation
- awareness or compliance to the child safe policy and/or procedures is low
- legislative changes/requirements.

RIGHTS AND RESPONSIBILITIES

All children have the right to feel safe in any area of YHAC practices and services.

The YHAC Board of Directors, management, staff and volunteers and contractors must act in accordance with the Child Safe 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 at all times.

Board of Directors

The Board of Directors has ultimate responsibility for policies and procedures to be in place and for ensuring that all staff and volunteers abide by these to prevent and respond to harm and/or risk of harm to a child or young person. They will also be aware of their legal liability for failure to disclose abuse or failure to reasonably protect based on known risks.

Management

Management will be aware of all mandatory and voluntary reporting obligations which apply in the jurisdiction in which YHAC 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. Managers are contacts for external bodies and will coordinate with the Chief Executive Officer (CEO) to investigate any incidents or allegations of harm.

Employees, Volunteers

Employees and volunteers have a responsibility to act in accordance with the Child Safe Code of Conduct, and be aware of, and comply with their obligations relating to reporting concerns, allegations and incidents of a child at risk of harm, including internal and external reporting.

DOCUMENT CONTROL

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