
1.26 Child Safe Risk Management Policy and Procedure

Effective from: 7 April 2023

Next Review: 7 April 2028

PURPOSE

The purpose of this policy is to outline Yadu Health Aboriginal Corporation (YHAC)'s risk management processes that are in place to ensure a child safe environment is maintained and that any risks that children may face are mitigated.

RELATION TO OTHER DOCUMENTS

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

1.7 Consumer Feedback Policy

1.1 Consumer Feedback Procedure

1.20 Child Safe Policy and Procedure

1.25 Child Safe Code of Conduct

1.4 Risk Management Procedure

1.2 Risk Management Policy

1.30 Child Safe Complaints Management Policy and Procedure

National Principles for Child Safe Organisations – Principle 6

SCOPE

This procedure applies to all people who conduct work for, or are connected to YHAC in a paid or unpaid capacity including:

- Employees (permanent and casual);
- Contractors;
- Volunteers; and
- Any other individual involved with the Corporation.

DEFINITIONS

Risk management is a systematic process whereby an organisation identifies and assesses risks, develops strategies to mitigate risk, assigns responsibilities, and monitors and reviews progress.

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Risk is the chance of something happening that will impact on objectives, measured in terms of likelihood of occurrence and impact.

Risk assessment is the process of analysing and evaluating the likelihood and impact of potential risks.

Child: A person under the age of 18 years (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 power¹”*

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 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: 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 grounds².”

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

Children and Young People Safety Act, 2017

Child Safety (Prohibited Persons) Act 2016

Children's Protection Act 1993

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

² Our Community (2018) *Child Protection Policy*

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

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POLICY

YHAC is committed to ensuring the organisation has effective risk management in place for children. YHAC is committed to the safety and wellbeing of every child and will endeavour to protect children from harm through various procedures including risk management. The Board has ultimate responsibility for safeguarding the wellbeing of children who encounter the organisation's services.

YHAC will actively identify and mitigate risks that children may face and ensure that all workers and stakeholders have read and understood this policy.

Principles

- YHAC will adhere to all principles identified in the *National Principles for Child Safe Organisations*.
- YHAC will operate on the assumption that all people who interact with young children could pose some level of risk to them.
- YHAC recognises the importance of considering risks while not discouraging positive relationships between adults and children and their development.
- YHAC will ensure that identifying and reducing the risks posed to children and young people is an ongoing process.
- YHAC will strive for a culture where risk management is a daily exercise of all workers and people involved in the delivery of the organisation's services.
- YHAC understands that all children have different needs, backgrounds, and identities and therefore the individual risks they face will vary. YHAC will therefore endeavour to identify the individual risks posed to each individual child who comes into contact with the organisation.

Key Considerations

Service activities which pose a level of risk to children

YHAC will identify and mitigate the following risks children may face when encountering the service:

- Children/young people do not feel included
- Children/young people and their families are not supported to report concerns, complaints and feedback
- Children/young people are physically touched by staff to receive medical treatment
- Children/young people have access to an unsafe online environment
- Organisational staff (including employees and volunteers) harm children/young people
- Third party contractors (while delivering services for the organisation) harm children/young people
- Children/young people are not supported when harm occurs
- Recruitment of a 'prohibited person' within the organisation or contracting with a third party that does not have a Working with Children Check (WWCC) or a child safe environments compliance statement
- Allowing a person to work with children or young people while the WWCC is being processed

- Organisational staff (including employees and volunteers) do not understand their obligations to report harm and risk of harm to the Child Abuse Report Line and SA Police if child/young person is at immediate risk or requiring an internal reporting process before meeting legal obligations to report to CARL
- Use of power to hurt, scare or control children/young people
- Children/young people are transported between different environments eg bus/car
- Children/young people are provided with unsupervised services
- Taking images of children and young people
- Supervision of children and young people
- Physical environment
- Online communications between staff/volunteers and children/young people
- Protecting privacy and confidentiality
- Procedures for dealing with situations where a member is being investigated for, or is charged with, a serious criminal offence.

Supervision of children

YHAC has clear guidelines to ensure children are adequately supervised when in our care, this includes:

- Children and young people are always to be supervised by parents/guardians
- If child/young person parent/guardian is not in attendance, two adults are to stay with child/young person until a parent/guardian is present

Physical contact with children

YHAC has clear guidelines in relation to circumstances in which it might be necessary to have physical contact with a child, including but not limited to:

- Managing a child who has been injured;
- Demonstrating a skill or for instructional purpose as part of an activity;
- Administering medical assistance;
- Providing transport; and
- Assisting with toileting of young children.

YHAC does not permit inappropriate physical contact including:

- Violent or aggressive behaviour such as hitting, kicking, slapping or pushing;
- Kissing; and
- Touching of a sexual nature.

Where physical contact is required, this is undertaken in a safe way by explaining why contact is required and what will happen, and asking the child/young person for their permission (or their family if this is more appropriate) before proceeding.

Behaviour management

YHAC have clear policies on how workers are expected to manage challenging behaviours in accordance with our Code of Conduct in an effort to minimise risk.

YHAC will apply actions to minimise risk including but not limited to:

- Child focused Code of Conduct is in place that sets the behavioural standards expected including what happens when a breach occurs, is circulated to staff and volunteers and is displayed in public places
- The organisation meets the requirements of the *Children and Young People (Safety) Act 2017* (which mandates child safe environments) and the *Child Safety (Prohibited Persons) Act 2016* (which mandates Working with Children Checks)
- Strategies are in place to make sure that child safety (through the National Principles for Child Safe Organisations) are embedded across the organisation
- The organisation uses inclusive, developmentally- appropriate language and resources to help children/young people to feel valued, respected and included
- Strategies to embed a child safe organisational culture are reviewed and updated regularly
- The child safe environments policy is reviewed at least once in every 5-year period. When this happens a new child safe environments compliance statement is lodged with the Department of Human Services
- Support through training and supervision is provided to YHAC staff (including employees and volunteers) through Child Safe environment training
- Working with Children Checks (WWCC) are undertaken to make sure that people working with children and young people are assessed as suitable. Those who are not suitable ('Prohibited' WWCC) cannot work with children and young people in our organisation.
- Recruitment processes including undertaking referee checks to ensure the suitability of persons before they are employed/volunteer with our organisation is completed
- When taking images of children and young people, must have consent of child young person and parent/guardian consent required
- Complaints processes are in place and promoted to children, young people and their families to make sure that they feel safe reporting to the organisation
- Cyber safety and social media guidelines in place and provided to all staff and volunteers
- Appropriate supervision is provided for all online activities
- Children and young people are to be supervised by parents/guardians at all times
- If child/young person parent/guardian is not in attendance, two adults are to stay with child/young person until a parent/guardian is present
- Our child safe environments policies and procedures (including Code of Conduct) are made available to staff, volunteers, children, young people and their families by website, Facebook
- For overnight activities (eg camps and excursions), children and young people must be supervised by a minimum of 2 adults of the same gender
- Children, young people and their families are encouraged to participate in our organisation and provide feedback by providing feedback
- If children and young people are harmed, we support them and their families by reporting and responding to harm/risk of harm following YHAC's Child Safety Procedure which clearly sets out the process for reporting to CARL and connecting those impacted with appropriate support services.

- YHAC staff (including employees and volunteers) undertake Child Safe Environment training to understand their obligations to report harm and risk of harm
- All organisational staff (including employees and volunteers) are required to read the Child Safe Policy, Child Safe Code of Conduct, Child Safe Environments Mandatory Notification Information Booklet and undertake child safe e-learning modules in the first week of working with the organisation
- Where physical contact is required, this is undertaken in a safe way by explaining why contact is required and what will happen, and asking the child/young person for their permission (or their family if this is more appropriate) before proceeding
- Organisational staff (including employees and volunteers) working with children and young people with disability must hold a valid Working with Children Check (WWCC) even if they are working with children and young people less than 7 days a year.

PROCEDURES (refer to Appendix 1 for summary of identified risks and actions to mitigate in this policy)

1. Risk identification and documentation:

When identifying potential risks, YHAC staff will:

- Identify risks in both the physical and online environments;
- Recognise the different situations and specific activities which may expose children and young people to risk;
- Consider situations where adults and children are in situations where they are obscured from sight;
- Identify circumstances where a child or young person may be left alone with an adult;
- Consider circumstances where there is a low level of parental involvement, when there may be a greater likelihood or severity of risks and factors which may expose children to harm;
- Include information regarding the child's history of trauma, socio-economic, familial, cultural or religious background and how these factors may make some children more risk-exposed than others; and
- Consider when children have a cognitive or physical disability, the ways in which their disability may expose them to greater risk of harm.

2. Assess level of risk

A risk matrix is used to assess risk. This includes an estimation of both the likelihood of the risk occurring and the impact it may have on clients, workers and others.

		Impact			
		Very high (try to avoid)	High (try to reduce or minimise any risk)	Medium (consider actions to reduce risk)	Low (should be covered by regular procedures)
Likelihood of happening	Very high (almost certain)	1: Extreme	2: Very high	3: High	5: Medium
	High (probable)	2: Very high	3: High	4: Significant	6: Low
	Medium (may happen)	3: High	4: Significant	5: Medium	Negligible
	Low (unlikely)	4: Significant	5: Medium	6: Low	Negligible

3. Recording risks in register

Where organisational policies, procedures, services or activities may increase the likelihood or severity of risk posed to children, YHAC will consider changing activities to reflect a culture of risk management and pre-emptive risk mitigation. YHAC will determine this using a Risk Register system.

Risk register

- Once the risks are assessed, they are then recorded as part of the *Child Risk Management Plan*, including their risk assessment.
- Priorities for action will then be assigned to each risk to guide us in our next steps.
- When responding to risk priorities, YHAC will consider how acceptable the risk is, resources required to respond effectively to the risk, and how practical any response is to the organisation's operations.
- Actions to respond to the risks, responsibilities and timeframes are then developed and recorded in the plan.
- Where risks are deemed 'Extreme' the governing body may decide to eliminate the risk completely, by changing the relevant operations completely. This will not always be possible, in which case it is important that clear and comprehensive risk management strategies are identified and implemented urgently.

- Risks specific to individual projects or events will be identified and responded to through the risk assessment process which forms part of project implementation and may not be required to be recorded in the Child Risk Management Plan.

4. Monitoring and review

- YHAC will monitor, report, and review our management of risks every year and after any incident. As part of our monitoring we will continually check, supervise, and track the progress of an activity so that we know whether it is happening as we expect. This checking will be done against assessed risk, agreed measures, objectives, or an expected level of performance.
- The Board will consider the annual review of the Child Risk Management Policy, after input from the Chief Executive/ manager and other stakeholders. The review of our Child Risk Management Policy will be completed each year to re-evaluate all the risks that children face in our organisation. It will consider the changes in our environment, stakeholders and other factors.
- If there has been an incident not covered by the Child Risk Management Policy, or if other factors have changed, the policy and risk management plan will be updated.
- When there is an incident or an event that did not go as planned, or that exposes a new area of risk, we will review the causes. After the review we may complete activities to prevent the identified risk from happening again, and/or update our Child Risk Management Policy.

APPENDIX 1: RISK ASSESSMENT - CHILD SAFE ENVIRONMENT

Identified risk	Actions to minimise risk
Culture of organisation is not child-safe focussed	<ul style="list-style-type: none"> • child focused Code of Conduct is in place that sets the behavioural standards expected including what happens when a breach occurs • culture of management reflects our strong commitment to the safety of children and young people • the National Principles for Child Safe Organisations are embedded in policies and procedures • 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)
Organisational staff (including employees, volunteers, students, contractors etc) harm children/young people	<ul style="list-style-type: none"> • recruitment processes including undertaking referee checks to ensure the suitability of persons before they are employed/volunteer with our organisation • interview questions (no prior preparation) should gauge an applicant's understanding of child safe

	<p>principles and actions that would be taken to prevent harm to children and young people</p> <ul style="list-style-type: none"> • all organisational staff have WWCC with 'not prohibited' result prior to working with children and young people • WWCCs updated every 5 years and status remains as not prohibited • Child Safe Policy and Procedures are available on YHACs website for children and young people and their families to view.
Organisational staff (including employees, volunteers, students, contractors etc) do not understand their obligations to report harm and risk of harm to the Child Abuse Report Line (or SA Police if child/young person is at immediate risk)	<ul style="list-style-type: none"> • all organisational staff trained in Safe Environments – Through their Eyes on commencement and refresher training every 3 years after • all organisational staff must abide by the child safe environments policy and Code of Conduct (latter is verified on commencement with organisation)
Physical contact	<ul style="list-style-type: none"> • any physical contact must be appropriate to the delivery of services being provided • where physical contact is required, this is undertaken in a safe way by explaining why contact is required and what will happen, and asking the child/young person for their permission (or their family if this is more appropriate) before proceeding • unnecessary physical contact is not allowed
Online communications	<ul style="list-style-type: none"> • cyber safety and social media guidelines are in place and provided to all organisational staff • appropriate supervision is provided for all online activities • organisational staff must not communicate with children or young people via social media
Transport of children and young people	<ul style="list-style-type: none"> • organisational staff must not transport a child or young person unless specifically approved • parents/guardians must provide consent before transporting a child or young person • the organisational staff member must have a valid, unrestricted driver's licence • the vehicle must be registered, insured and in roadworthy condition • an organisational staff member must not be alone in a vehicle with a child or young person
Supervision	<ul style="list-style-type: none"> • children and young people are to be supervised by parents/guardians at all times • if child/young person does not have a parent /guardian present then two adults are to stay with child/young person • when providing one to one consultation with a child or young person, it will be in line of sight of another adult

Taking images of children and young people	<ul style="list-style-type: none"> • consent of child young person and their parent/guardian required • disclosure will be made as to how the image is to be used and consent must be provided by the child, young person and parent/guardian • images must be presented in a way that de-identifies the child or young person
Physical environment	<ul style="list-style-type: none"> • maintain a risk register that is reviewed annually to ensure effectiveness • conduct risk assessments for all activities • ensure all equipment is in good working order
Privacy and confidentiality	<ul style="list-style-type: none"> • all documents containing confidential information will be stored securely • digital files containing confidential information shall be protected electronically by restricting the access to only those requiring it to perform their duties • organisational staff must not disclose information regarding any child or young person without written consent of the child, young person and their parent/guardian
Overnight and/or off-site activities	<ul style="list-style-type: none"> • consent of parent or guardian must be given • children and young people must be supervised by a minimum of 2 adults of the same gender as the children attending • privacy when children or young people are bathing, toileting and dressing must be provided • children and young people will not be left under the supervision of unauthorised persons • sleeping arrangements will not compromise the safety of children or young people such as unsupervised sleeping arrangements, or children or young people sharing a bed or an adult sleeping in the same bed as a child or young person • in the event of billeting arrangements, host adults should have a child or young person attending the same event from the same household, and have a not prohibited WWCC • children and young people have the right to contact their parents, or another adult, if they feel unsafe, uncomfortable, or distressed during the stay
Change room/bathroom requirements	<ul style="list-style-type: none"> • a minimum of two adults of the same gender as the children or young people must be present • supervision will be provided ensuring the child or young person's right to privacy • adults must not shower or change whilst supervising children or young people • phones, cameras and recording devices must not be used in change room/bathroom

RIGHTS AND RESPONSIBILITIES

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

All members of the YHAC Board, management, staff and volunteers and contractors must act in accordance with the 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.

YHAC's Board will:

- Consult all relevant stakeholders including workers, families and carers when developing and implementing the risk management (child safe) policy and procedure;
- Publicise and promote this policy to all relevant stakeholders;
- Formally induct this policy as part of organisational procedures;
- Ensure risks and management of those risks is an agenda item at staff and Board meetings;
- Ensure children and young people are given avenues to contribute to the risk management strategy by having a say about what makes them feel safe and unsafe in the organisation, and how things could be better;
- Ensure workers are competent in identifying signs of child-specific harm, abuse, neglect and grooming

YHAC's staff will:

- Be competent in identifying types of risks a child may be subjected to, including physical, psychological, sexual and neglect;
- Be competent in identifying signs a child may have experienced harm, abuse, neglect and grooming;
- Consult with the Board if they have concerns regarding the contents of this policy;
- Make identification of risk and signs of harm a daily part of their role at the organisation; and
- Tell the Board if they identify a new risk which has not been identified in this policy, or if an incident leads to the discovery of prevalent risks which may affect other children.

DOCUMENT CONTROL

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