

# NYSF (Safeguarding Children and Young People) Safe Environments Policy - South Australia

<b>Policy Name</b>	NYSF (Safeguarding Children and Young People) Safe Environments Policy - South Australia
<b>Effective Date</b>	9 January 2023
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<b>Responsible Person</b>	CEO

## Title

NYSF (Safeguarding Children and Young People) Child Safe Environments Policy (**NYSF Safe Environments Policy (SA)**)

## Introduction

1. National Youth Science Forum (NYSF) is committed to promoting and protecting the health, safety and wellbeing of all children. We have zero tolerance for children being harmed and the safety and protection of children is always the first priority.
2. NYSF is committed to embedding the National Principles for Child Safe Organisations across the organisation.
3. If any person believes a child is at immediate risk of harm, telephone 000.

## Commitment to the safety of children and young people

4. NYSF is committed to providing children and young people with a safe and nurturing environment in which they can learn and thrive, be valued, respected and encouraged to participate.
5. NYSF supports, values and respects all children and young people, and is committed to their safety, participation and empowerment.
6. NYSF has zero tolerance for all forms of harm against children and young people, and all allegations will be treated seriously in accordance with our policies and procedures.
7. NYSF is committed to providing a culturally safe environment in which the diverse and unique identities and experiences children and young people are respected and valued, including of Aboriginal and Torres Strait Islander children and young people, children and young people from culturally and/or linguistically diverse backgrounds, children and young people with disabilities, and LGBTIQ+ children and young people.
8. The safety, welfare and best interests of children and young people are paramount.

## Purpose

9. This Policy aims to:
  - a) ensure NYSF meets its responsibilities for the safety, protection and wellbeing of all children and young people;
  - b) create and foster an organisational culture that places child safety at the forefront of NYSF operations;
  - c) ensure Staff are aware of their roles and responsibilities to prevent and report harm or risk of harm to children and young people occurring within all NYSF Environments;
  - d) provide Staff with information and guidance regarding exercising the judgements involved with reporting risks of harm to children and the action that should be taken where a person suspects a child has been harmed within all NYSF Environments;
  - e) establish controls and procedures for preventing children being harmed and detecting it when it occurs within all NYSF Environments;
  - f) provide a clear statement to Staff forbidding children be directly or inadvertently harmed;
  - g) provide assurance that any and all suspected complaints or disclosures of harm will be reported and fully investigated;
  - h) place an emphasis on genuine engagement with and empowerment of children and young people, and their families; and
  - i) meets the legislative and regulatory requirements in South Australia including requirements under the Children and Young People (Safety) Act 2017 (SA) (**CYPS Act**).

## Definitions

10. This policy includes terminology from the CYPS Act as described.
11. **'at risk'** includes:
  - a) The child or young person has suffered harm.
  - b) There is a likelihood that the child or young person will suffer harm.

- c) There is a likelihood that the child or young person will be removed from the state for an unlawful act or procedure to be undertaken.
- d) The parents or guardian of the child or young person are unable or unwilling to care for them.
- e) The child or young person is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence.
- f) The child or young person is of no fixed address.

Pursuant to S18 of the CYPS Act

12. **“CARL”** is the Child Abuse Report Line managed by the Department of Human Services South Australia.
13. **“Child”**, “children” or “young person” means a child or young person who is under 18 years of age pursuant to S16(1) of the CYPS Act.
14. **“Child Safety”** means matters related to NYSF’s duty of care to children in its care, protecting all children from harm, managing the direct or inadvertent risk of harm, taking steps to prevent the occurrence or reduce the occurrence of harm, providing support to a child at risk of harm, and responding to incidents or allegations of harm.
15. **“Child Safety Officers”** or **“CSOs”** means people appointed by NYSF to listen, discuss and clarify issues raised by Staff and children in relation to direct or inadvertent risk of harm, including the CEO, the Manager, Corporate Services, and/or other Staff as appropriate.
16. **“employee”** is a:
  - a) self-employed person; or
  - b) carries out work under a contract for services; or
  - c) carries out work as a minister of religion or as part of the duties of a religious or spiritual vocation; or
  - d) undertakes practical training as part of an educational or vocational course; or
  - e) carries out work as a volunteer;

and a reference to something occurring in the course of the person's employment is to be construed accordingly pursuant to s30(4) CYPS Act 2017
17. **“guardian”** means guardian or guardians of the child or young person pursuant to an order of the Court pursuant to s16 CYPS Act.
18. **“harm”** means physical harm or psychological harm (whether caused by an act or omission) and, without limiting the generality of the definition, includes such harm caused by sexual, physical, mental or emotional abuse or neglect. Psychological harm does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life pursuant to s17 CYPS Act.
19. **“National Police Check”** means a summary of an individual’s offender history in Australia and a record of their criminal history relating to convictions, finding of guilt or pending court proceedings. They are available from South Australia Police (SAPOL) or organisations accredited by the Australian Criminal Intelligence Commission.
20. **“NYSF Environments”** means all physical and virtual environments and places made available or authorised by NYSF for use by a child or young person, including but not limited to:
  - a) the offices of NYSF;

- b) online NYSF Environments (including email, portals, intranet systems, telecommunication, social media and other online communications); and
- c) other locations provided by NYSF for a child's use (including, without limitation, locations used for camps, excursions, "rest days", competitions, and other events).

21. **"Parent"** Includes—

- a) a step-parent of the child or young person; and
- b) a person who stands in loco parentis to the child or young person. pursuant to s16 CYPS Act.

22. **"Staff"** means NYSF employees, directors, contractors and volunteers.

23. **"WWCC"** means a Working with Children Check issued under the Child Safety (Prohibited Persons) Act 2016 (SA) (**CSPP Act**).

## Scope

24. This Policy applies to all Staff engaged by NYSF, in conjunction with the NYSF Child Safety Code of Conduct and the Child Safety Reporting Procedure – South Australia (Reporting Procedure SA) which is annexed to this policy.

25. This Policy applies to all NYSF Environments and all interactions with children and young people including:

- a) physical contact,
- b) face to face contact;
- c) contact by post or other written communication;
- d) contact by telephone or other oral communication;
- e) contact by email or other electronic communication including online seminars and social media.

26. NYSF requires all staff to agree in writing to accept and act in accordance with the terms of this Policy and the NYSF Child Safety Code of Conduct.

## Policy principles

27. NYSF recognises and acknowledges that children are valued citizens, and the future of South Australia is inextricably bound to their wellbeing.

28. NYSF is committed to providing a child safe environment where children thrive, are safe from harm, do well at all levels of learning and have skills for life, enjoy a healthy lifestyle and be active citizens who have a voice and influence pursuant to Section 4 of the CYPS Act.

29. The following policy principles guide NYSF staff in their commitment to child safety and strengthen the organisation's capacity to be child safe:

- a) NYSF has zero tolerance for causing harm to a child or placing a child at direct or inadvertent risk of harm.
- b) The best interests, safety and wellbeing of the child are paramount.
- c) Child safety is a shared responsibility of all staff and all adults in the community.
- d) All children have a right to feel and be safe, and have equal rights to protection from harm.
- e) NYSF will consider the opinions of children when developing child safety policies and

- procedures to promote engagement with and the empowerment of children.
- f) NYSF will ensure that families participate in decisions effecting their child, and will openly communicate with families and the community about its approach to child safety and ensure that information about child safety including information about making a complaint is readily available and accessible.
  - g) NYSF will take into account the diversity of all children, including (but not limited to) the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, lesbian, gay, bisexual, transgender and intersex children and children who are vulnerable, and make reasonable efforts to accommodate them.
  - h) NYSF is committed to providing a culturally safe environment in which the diverse and unique identities and experiences children and young people are respected and valued, including of Aboriginal and Torres Strait Islander children and young people, children and young people from culturally and/or linguistically diverse backgrounds, children and young people with disabilities, and LGBTIQ+ children and young people.
  - i) Professionals working with children have legal and ethical responsibilities to support the safety, welfare and wellbeing of children.

## Responsibilities

The safety of children is everyone's responsibility. The roles and responsibilities of NYSF and its staff, to prevent and report direct or inadvertent risk of harm to children occurring within all NYSF Environments, is outlined below:

### **All Staff**

#### 30. All Staff:

- a) have a shared responsibility for contributing to the safety of children from harm or the risk of harm;
- b) are responsible for identifying harm and taking steps to prevent, reduce or eliminate harm and the risk of harm;
- c) must promote child safety at all times and provide a safe environment for all children; and
- d) must telephone 000 if they believe a child is at immediate risk of harm.

#### 31. All Staff are required to:

- a) read and comply with this Policy, the NYSF Child Safety Code of Conduct and the Reporting Procedure - South Australia;
- b) take all reasonable steps to maintain an environment that prevents harm to children;
- c) respond to a child disclosing an incident of harm or a risk of harm, in a child-focused manner, with sensitivity and professionalism;
- d) participate in child safety induction and training as directed by NYSF and request further assistance if they feel further training is required;
- e) report any concerns about actual or suspected harm or risk of harm, as soon as possible to a CSO or supervisor; and
- f) report any breach or suspected breach of this Policy, the NYSF Child Safety Code of Conduct and the Reporting Procedure – South Australia, as soon as possible to a CSO or supervisor.

### **NYSF**

#### 32. NYSF will ensure, as far as possible, that Staff are aware of:

- a) their responsibilities to create and maintain child safe environments, including a culturally safe environment for Aboriginal children and young people;
- b) their obligations under this Policy;
- c) the appropriate standard of conduct and behaviour that NYSF requires; and
- d) NYSF's commitment to empowering children about their rights including the right to feel safe, be informed and participate in decisions affecting them.

### **The Board**

33. The Board of NYSF has ultimate responsibility for complying with the National Child Safe Principles and the CYPS Act, including:

- a) preventing and detecting the risk or actuality of harm;
- b) ensuring appropriate and effective internal control systems, including processes to respond to complaints and concerns, and regular reviews;
- c) modelling and championing a child safe culture and making a public commitment to child safety;
- d) implementing appropriate policies, procedures and codes of conduct in relation to child safety, including ensuring staff are equipped with knowledge, skills and awareness through ongoing education and training, and ensuring staff are suitable to work with children; and
- e) Empowering children, young people, families and communities with information about their rights and protections.

### **The CEO**

34. The CEO of NYSF is responsible for:

- a) managing and overseeing the response of reports of harm to children or young people;
- b) appointing an external investigator, independent of NYSF, with appropriate skills and expertise to conduct investigation of reports of child harm;
- c) responding to, and supporting the needs of the external investigator who has been appointed to investigate complaints and disclosures under this Policy;
- d) preventing, identifying and mitigating child safety risks, including the risk of harm, within all NYSF Environments;
- e) ensuring Staff are aware of this Policy, the Codes of Conduct, the Reporting Procedure SA, and their overall child safety obligations, including the obligation to report suspected harm;
- f) ensuring appropriate policies and procedures are in place, including effective internal control systems for the detection of harm and risks of harm to children;
- g) appointing CSOs;
- h) providing support for Staff in undertaking their child safety obligations;
- i) ensuring that this Policy, the Codes of Conduct and the Reporting Procedure SA, is reviewed and updated every two years and after every child safety incident; and
- j) monitoring compliance with this Policy, the Codes of Conduct and the Reporting Procedure SA.

### **Managers and Supervisors**

35. All managers and supervisors must:

- a) promote and model child safety at all times;
- b) assess the risk to child safety, including the risk of harm, within their area of control and take steps to reduce or eliminate any risk to the extent possible;
- c) educate Staff about identifying and preventing harm or the risk of harm;
- d) make a record of risks and specify the action(s) NYSF will take to reduce or remove the risks (i.e. risk controls) when a Staff member notifies them of an identified risk;
- e) facilitate the reporting of any concerns regarding child safety including reports or disclosures of harm, as soon as possible; and

- f) report any risks to child safety to the CEO or Board Chair as soon as possible.

### **The Manager, Corporate Services**

36. The Manager, Corporate Services must:

- a) record all WWCCs on a spreadsheet and identify and monitor those that require renewal;
- a) not allow staff to work without a valid WWCC, including when a WWCC has expired or a negative notice is received;
- b) collect, document and store information from applicants and their referees to assess their suitability for child-connected work; and
- c) securely store Incident Reports; and
- d) communicate the NYSF Safe Environments Policy (SA), the Child Safety Code of Conduct and the Child Safety Procedure – South Australia in the manner set out in this Policy.

### **Child Safety Officers (CSOs)**

37. CSOs are available to listen, discuss and clarify issues confronting Staff in relation to harm of a child and risk of harm of a child.

38. NYSF CSOs are responsible for:

- a) reporting any risks to child safety, including risk of harm, to the CEO;
- b) recording risks to child safety and specify the action(s) NYSF will take to reduce or remove the risks (i.e. risk controls) when a Staff member notifies them of an identified risk;
- c) supporting staff to make mandatory reports to CARL in accordance with the attached Child Safety Procedure;
- d) supporting children, young people and their families after a mandatory report is made to CARL, as appropriate and required;
- e) making reports on behalf of NYSF, as authorised or delegated by the CEO;
- f) maintaining adequate records of all complaints, decisions and actions taken in relation to any child safety complaint or disclosure under this Policy; and
- g) being familiar with the types of harm that might occur and be alert to any indications of such conduct, including harm caused by other children or young people.

## **Communication**

39. NYSF supports staff, children, young people, and their families to understand child safety. NYSF ensures children and young people, and their families, are kept informed about all their rights, including to safety, information and participation. NYSF does this by:

- a) Providing a copy of the NYSF Safe Environments Policy (SA), Child Safety Procedure
- b) – South Australia and the NYSF Child Safety Code of Conduct to all staff upon commencement and the participants and families via the NYSF website and program onboarding materials;
- c) Requiring staff, including volunteers, to sign a written statement stating that they have read and will accept and act upon the NYSF policies and procedures and the NYSF Child Safety Code of Conduct;
- d) Displaying posters regarding child safety in NYSF offices, at NYSF programs and events, and during training sessions;
- e) Ensures that children, young people and their families know their rights, how to raise a concern, and how to access services, advice and the complaints procedures by including this information in the program handbooks and other program materials;
- f) Listening to and acting on concerns, disclosures, feedback and complaints regarding child safety.

## Participation of Children and Young People

NYSF supports children and young people to participate in decisions affecting them and communicate their views and concerns. NYSF requires all Staff to value and respect children and young people's identity and culture, be comfortable and skilled in engaging with children, and understand children's developmental needs and build on children's strengths and capacities. NYSF does this by:

40. providing an inclusive and engaging learning experience to children and young people;
41. acknowledging the benefits of involving children and young people in decision making;
42. promoting meaningful participation through our programs which are designed to inspire children and young people to pursue a passion in science, technology, engineering and mathematics;
43. acknowledging and appreciating the strengths of the diversity of children and young people, including cultural diversity and the strengths of Aboriginal culture and its importance to the wellbeing and safety of Aboriginal children and young people;
44. acknowledging the rights of children and young people and helping them to make meaningful contributions to the NYSF program by balancing the need to provide guidance while respecting independence to best develop their passions for science;
45. being responsive to the needs of children and young people;
46. using consultation methods suited to the specific NYSF group, taking into account factors such as children and young people's age, developmental level and cultural backgrounds;
47. encouraging feedback from children and young people about their experiences with NYSF;
48. clearly communicating in age-appropriate language how children and young people (or their carers) can report any concerns or provide feedback to NYSF;
49. outlining the rights of children and young people who are participating in NYSF programs; and
50. inviting children and young people to be represented on the NYSF Board.

## Code of Conduct

51. NYSF requires all staff, including volunteers, to adhere to the highest standards of conduct and behaviour towards and in the presence of children and young people. NYSF does this by implementing the following strategies
  - a) Before working with children, NYSF requires all staff to read, understand and agree to comply with this Policy and the Codes of Conduct as part of the NYSF child safety induction and training;
  - b) NYSF Child Safe Code of Conduct is publicly available on the NYSF website at [www.nysf.edu.au/policies/codes-of-conduct](http://www.nysf.edu.au/policies/codes-of-conduct);
  - c) NYSF provides a copy of the Codes of Conduct to all staff upon commencement and regularly throughout their engagement with NYSF, and to all program participants
  - d) (and, where the participant is a child, their parents) prior to attendance at an NYSF program or event.



52. Breaches of the Codes of Conduct may result in disciplinary action including termination of employment. NYSF requires that:
53. Staff must report any breach or suspected breach of this Policy, the Codes of Conduct or Reporting Procedure SA, to a CSO or the CEO as soon as possible after becoming aware of the breach or suspected breach.
- a) Participants and their families can report a suspected or alleged breach of the Code of Conduct by:
    - i. emailing [nysf@nysf.edu.au](mailto:nysf@nysf.edu.au) or their direct NYSF contact;
    - ii. phoning the NYSF duty phone, during events with an active duty phone;
    - iii. talking to an NYSF staff member or volunteer at an in-person event;
    - iv. contacting an NYSF staff member or volunteer via the NYSF app during an online event.
  - b) If NYSF becomes aware of a suspected breach of this Policy, the Codes of Conduct or the Reporting Procedure SA, NYSF will take immediate steps to ensure the safety and wellbeing of any child who may be at risk as a result of or in relation to the breach.
  - c) Suspected breaches of this Policy, the Codes of Conduct or the Reporting Procedure SA, are treated seriously by NYSF and will be investigated (either internally or externally, depending on the severity of the suspected breach) promptly, sensitively and in a manner that affords procedural fairness to the subject of the investigation. NYSF will handle the allegations in a confidential manner to the greatest extent possible.
  - d) Following an investigation into a suspected breach, any person who is found to be in breach or to have breached this Policy, the Codes of Conduct or the Reporting Procedure SA may face disciplinary action, including termination of their employment with NYSF.

## Recruitment

NYSF ensures that it engages the most suitable and appropriate people to work with children and young people through vigorous human resource selection and checking process to safeguard children and young people. NYSF does this by:

54. NYSF engages in a range of recruitment strategies to ensure that staff working with children and young people are suitable and supported to reflect child safety and wellbeing in practice, including:
- a) developing clear position descriptions for jobs or categories of jobs that involve child- related work setting out:
    - i. the job's requirements, duties and responsibilities regarding child safety and wellbeing;
    - and
    - ii. the job occupant's essential or relevant qualifications, experience and attributes in relation to child safety and wellbeing;
  - b) examining written applications and engaging in face-to-face interviews for Applicants who will or may work with children (where possible);
  - c) engaging in a thorough examination of a person's suitability to work with children prior to inviting them to take a leadership position with children;
  - d) screening all persons to verify that they have a valid WWCC before they commence working with children at NYSF, and keeping records of all relevant information; and
  - e) informing all applicants for jobs at NYSF of the child safety practices (including this Policy, the Codes of Conduct and Reporting Procedure SA);
  - f) informing all applicants for jobs at NYSF of any other checks or certifications required for the position, such as police checks or first aid qualifications.

55. NYSF making reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage:
- a) WWCC status, as authorised by the DHS Screening Unit, or valid DHS or DCSI clearance obtained prior to 1 July 2019;
  - b) confirmation that NYSF has been registered on the person's WWCC or valid DHS or DCSI clearance as a registered organisation;
  - c) proof of personal identity and any professional or other qualifications;
  - d) the person's history of work involving children, including any history of complaints, disciplinary action or allegations of reportable conduct made against the person in the course of any employment or voluntary position held by the person; and
  - e) in the case of activities that involve overnight stays, reference checks will be obtained to the extent that it is reasonably practicable.
56. NYSF will not offer any applicant a position at NYSF until the applicant provides the required evidence to the Manager, Corporate Services.
57. NYSF may also require applicants to provide a police check before they commence employment and at any time during their engagement with NYSF upon request.

## Supervision, training, development and support for Staff

NYSF has strategies and safeguards in place to ensure that all Staff are adequately supervised, trained and supported to understand their obligations and responsibilities to create a child safe environment.

58. Those strategies and safeguards include:
- a) induction and annual refresher training for all Staff to support their understanding of their reporting obligations;
  - b) ongoing supervision by the Manager, Corporate Services and CEO, who are both trained in NYSF policies and procedures;
  - c) training for Staff before engaging with children including the completion of Safe Environments: Through Their Eyes training course, or interstate equivalent, at the commencement of their role and every three years thereafter;
  - d) compliance with this Policy monitored by the Manager, Corporate Services,; and
  - e)
  - f) instructing and supporting Staff in complying with procedures for responding, suspecting and identifying harm or risk of harm towards children.

## Risk Management

To help maintain a safe environment for children and young people NYSF proactively reviews its risks in the physical and online environment regularly and implements strategies to reduce these risks.

59. NYSF understands there may be a number of risks associated with its services and programs in relation to:
- a) images or videos taken of children during a program or event;
  - b) the supervision of children;
  - c) the online environments in which children engage with NYSF; and
  - d) overnight stays associated with NYSF.
60. To mitigate or prevent those risks, NYSF:

- a) requires Staff to comply with the NYSF Privacy Policy and comply with responsibilities in relation to privacy and information sharing;
- b) requires Staff to comply with this Policy, the Codes of Conduct including the NYSF Child Safety Code of Conduct, which establishes expected behavioural standards and responsibilities when having contact with children, and the Reporting Procedure SA;
- c) reviews risks, and monitors and evaluates the effectiveness of the implementation of its risk controls;
- d) makes child safety a part of NYSF's overall risk management strategy approach;
- e) has human resources policies to assess Staff in relation to compliance with their child safe obligations and continued suitability for employment;
- f) ensures appropriate training at least annually is conducted for all staff; and
- g) requires staff to maintain additional checks or qualifications as appropriate to their role, such as first aid qualifications.

## Reporting and responding to risk of harm to a child

61. NYSF is committed to ensuring that children and young people who access CSAL's services and programs are kept safe from harm and the risk of harm by:
- a) When NYSF suspects that a child or young person has been harmed or is at risk of harm, NYSF will respond to that suspicion in an appropriate manner which prioritises the safety of children and young people,
  - b) If a child or young person is at immediate risk of harm, staff are required to call 000 and make a report to Police.
  - c) All Staff are required to follow the Reporting Procedure SA (Annexure A);
  - d) All Staff will be trained and supported to identify signs and risks of harm and what to do if a disclosure or complaint is made including attending a Safe Environments: Through Their Eyes training course, or interstate equivalent;
  - e) All Staff are required to read and understand the Mandatory Notification Information Booklet (see: [www.dhs.sa.gov.au/cse](http://www.dhs.sa.gov.au/cse));
  - f) NYSF will comply with all obligations under any applicable laws, and will provide information to government agencies including police, and do all things necessary to assist with enquiries.
62. All staff are mandated reporters under the CYPS Act and are required to do the following:
- a) Understand their obligations to report under the CYPS Act;
  - b) If the mandated reporter suspects on reasonable grounds that a child is, or may be at risk and this suspicion is formed in the course of their work, then they are under a legal obligation to make a report to the Department of Child Protection Child Abuse Report Line (CARL) on 13 14 78 as soon as practicable;
  - c) The individual who identifies the risk must make the report and cannot refer the matter internally for another person to determine if the risk is reportable.
63. NYSF recognises that the duty of care is not exhausted by making a notification and support might be required to enhance the child or young person's wellbeing when a notification is made and will identify appropriate services for the child, young person and/or their family.
64. Failure by mandated reporters to report a reasonable suspicion that a child has or is being harmed or is at risk of harm is in breach of this policy and may result in disciplinary action being initiated.

65. Failure by mandated reporters to report a reasonable suspicion that a child has or is being harmed or is at risk of harm is an offence under the CYPS Act and carries a maximum penalty of \$10,000.
66. Mandated reporters are provided with protection under the CYPS Act and their identity is protected subject to express exceptions in the CYPS Act.

## Responding to Complaints

67. NYSF is committed to continual improvement by having a child-focused complaints handling process.
68. A person wishing to make a complaint may do so via email sent to [nysf@nysf.edu.au](mailto:nysf@nysf.edu.au).
69. If the complaint is about:
  - a) a product or service delivered by NYSF, the complaint will normally be dealt with by the relevant manager,
  - b) a staff member, volunteer, contractor, or program content provider, the complaint will normally be dealt with by the relevant manager,
  - c) a senior staff member, the complaint will normally be dealt with by the CEO,
  - d) the CEO or NYSF Inc Board member, the complaint will normally be dealt with by the Chair of the NYSF Inc Board,
  - e) the Chair of the NYSF Inc Board, the complaint will normally be dealt with by the Deputy Chair/s of the NYSF Inc Board.
70. The person managing the complaint will be responsible for:
  - a) informing the complainant that their complaint has been received and providing them with information about the process and time frame,
  - b) examining the complaint within 5 working days of the complaint being received,
  - c) informing the complainant in writing within 10 working days of the complaint being received of what is being done to investigate and resolve it, and the expected time frame for resolution,
  - d) making a decision or referring to the appropriate people for a decision within 20 working days of the complaint being received,
  - e) informing the complainant of the outcome and any options for further action if required.
71. As far as possible, complaints or appeals will be investigated and resolved within 20 working days of being received. If this time frame cannot be met, the complainant will be informed of the reasons why and of the alternative time frame for resolution.

## Investigations

72. The CEO will make every effort to keep any child safety investigation confidential; however, from time to time Staff may need to be consulted in conjunction with the investigation (e.g. to provide witness statements).
73. NYSF will do all things necessary to assist in any external investigations conducted by police or any other investigations by a government agency or under any state reportable conduct scheme.

74. An investigation conducted by NYSF will be conducted in accordance with procedural fairness to protect the integrity of the investigation and the interests of all the parties involved in the investigation.

## Record keeping

75. All reports of harm or risk of harm must be recorded in the form of an Incident Report (found at the end of the Child Safety Procedure – South Australia at Annexure A). An Incident Report must record places, times, dates, names of people, observable behaviours or evidence of harm. Reports must be securely stored by Manager, Corporate Services.

76. CSOs are responsible for ensuring adequate records are maintained, submitted to the Manager, Corporate Services and flagged with the CEO. Either the Staff member who identified or witnessed the actual or risk of harm, or a CSO must complete an Incident Report.

77. The CSO will ensure that the following records are held and maintained indefinitely:

- a) allegations, complaints and concerns of a breach of this policy, the Codes of Conduct or the Reporting Procedure SA;
- b) complaints, reports and disclosures of actual or suspected harm to a child;
- c) reports made to external government agencies or regulators including reports to police or child protection;
- d) investigation reports, evidence and records of interview in relation to any investigation under this policy; and
- e) all decisions and actions taken in relation to any child safety complaint, report of a breach or disclosure received.

## Privacy

78. NYSF will collect, use, disclose and hold personal information in accordance with the Privacy Act 1988 (Cth) and its Privacy Policy.

### *Principles*

79. There are two guiding principles in respect to a child's privacy.

- a) Best interests: NYSF and all staff will do what they believe is in the best interest of the child. The paramount consideration is the safety of children.
- b) Respect privacy: NYSF and all staff will respect a child's privacy, except when this conflicts with the best interests principle. This means acting consistently with the Australian *Privacy Principles* and the NYSF Privacy Policy.

80. As much as is reasonably possible, an individual's privacy is to be protected. Individuals who make reports or disclosures of harm and individuals who are the subject of accusations are all entitled to privacy.

### *Disclosing information and privacy*

81. Staff must act consistently with the Privacy Policy, this policy, the Codes of Conduct, the Reporting Procedure SA, and relevant statutory requirements.

82. Where a disclosure, such as reporting to a government department or police, is required or authorised by a reportable conduct scheme or other law, the disclosure will not be a breach of privacy. The Reporting Procedure SA sets out applicable reporting requirements for South Australia.

## Key Relevant Documents

### 83. Legislation

- a) Child Safety Prohibited Persons Act 2016 (SA)
- b) Children and Young People (Safety) Act 2017 (SA)

### 84. Principles

- a) National Principles for Child Safety

### 85. Policies and Procedures

- a) NYSF National Child Safety Policy and Procedure
- b) NYSF (Children and Young People) Safe Environments Policy - South Australia;
- c) NYSF Child Safety Reporting Procedure – South Australia
- d) NYSF Child Safety Code of Conduct
- e) NYSF Privacy Policy

## Monitoring and review

86. NYSF welcomes feedback from all members of the community including families on how it can improve its risk management approach and better protect the safety of children. Please direct feedback to the CEO in writing: CEO@nysf.edu.au.

A review of this Policy, the Codes of Conduct and the Reporting Procedure – South Australia shall be conducted every year

# CHILD SAFETY REPORTING PROCEDURE – SOUTH AUSTRALIA

## Introduction

1. This Procedure applies to all Staff of NYSF in all NYSF Environments. It should be read in accordance with the NYSF Safe Environments Policy (SA) and Codes of Conduct
2. The CEO is accountable for monitoring compliance with this Procedure.
3. The Reporting Procedure – South Australia is annexed to this policy as ANNEXURE A.

# Annexure A

## Child Safety Reporting Procedure – South Australia

### 1. Overview

- (a) NYSF is committed to ensuring that children and young people who access NYSF's services and programs are kept safe from harm and the risk of harm.
- (b) When NYSF suspects that a child or young person has been harmed or is at risk of harm, NYSF will handle that suspicion in a manner which prioritises the safety of children and young people.
- (c) All Staff members are responsible for reporting reasonable beliefs that a child or young person has been harmed or is at risk of harm in accordance with this procedure.
- (d) All Staff members will follow the process outlined at steps 2 to 9 below.

### 2. *Step 1: Determine whether the child is in immediate danger*

- (a) The Staff member will stay with the child (if within their presence) and take all reasonable steps to ensure their safety.
- (b) If the Staff member believes the child is at immediate risk harm, or has been harmed, they will notify police immediately by telephoning 000.

### 3. *Step 2: Consider whether there is an obligation to report*

- (a) If, in the course of work with NYSF, a Staff member suspects on reasonable grounds that a child or young person is, or may be, at risk of harm, then the Staff member must report that suspicion.
- (b) For the purpose of this procedure:
  - (i) Staff member means all employees, contractors, directors, volunteers, students on placement and consumer advisors, of NYSF and includes Staff. All Staff members are mandated notifiers;
  - (ii) a child is at risk if:
    - (i) they have suffered harm or are likely to suffer harm;
    - (ii) they are likely to be removed from the State for a medical procedure that would be illegal in South Australia (e.g. genital mutilation, to take part in a marriage ceremony that would be void or invalid in South Australia, or to take part in an activity that would constitute a criminal offence in South Australia;



- (iii) they are persistently absent from school;
  - (iv) the parents or guardians of the child are dead, unable or unwilling to care for the child, have abandoned the child, or cannot be found; or
  - (v) they are of no fixed address;
- (iii) a child means a person under 18 years of age;
- (iv) harm means:
- (i) physical abuse, which may present as:
    - A. bruises in unlikely places (face, back, ears, hands, buttocks, upper thighs and soft parts of the body);
    - B. inconsistent or absent explanation of bruises;
    - C. any bruising on a baby;
    - D. pressure marks from fingers on the face, chest or back;
    - E. weal, ligature or bite marks;
    - F. skull fracture, subdural bleeding, multiple fractures of different ages;
    - G. suspicious burns; or
    - H. poisoning or significant over medicating;
  - (ii) sexual abuse, which may present as:
    - A. genital injuries;
    - B. bite marks;
    - C. sleep disturbance;
    - D. inappropriate sexual behaviour based on the child's age;
    - E. sexualised affection seeking behaviour;
    - F. obsessive and compulsive washing;
    - G. wary of physical contact with others;
  - (iii) emotional or psychological abuse, which may present as:
    - A. avoiding home (particularly if the abuser is in the family home);
    - B. running away or continually staying at friend's houses;
    - C. lying or stealing;
    - D. lack of trust in adults;
    - E. poor self-image/self-esteem, poor academic performance, poor peer relationships; or
    - F. secretive, demanding or disruptive behaviour; or
  - (iv) neglect, which may present as:
    - A. failure to thrive;
    - B. developmental delay;
    - C. prone to illness;
    - D. sallow or sickly appearance;
    - E. abnormally high appetite, stealing or hoarding food;
    - F. smelly or dirty appearance; or
    - G. untreated medical conditions;

- (v) a serious concern means that a person suspects a child is in imminent or immediate danger of:
  - (i) serious harm;
  - (ii) serious injury;
  - (iii) chronic neglect; or
  - (iv) when a child is in care of the Department for Child Protection and you suspect they are being abused or neglected;
- (c) The Staff member who suspects on reasonable grounds that a child or young person is, or may be, at risk of harm is responsible for making a notification of that suspicion.
- (d) If a Staff member is uncertain as to whether they need to make a report, they should discuss their observations and concerns with a CSO.
- (e) Staff members are not required to consult with NYSF or gain the support of NYSF prior to making a report.

Responding to a child or young person who is harmed or at risk of being harmed by a NYSF leader or volunteer

- (f) If a Staff member suspects on reasonable grounds that a child or young person is, or may be, at risk of harm by another leader or volunteer, then:
  - (a) that suspicion must be reported in the same way as if it arose in relation to a person outside of NYSF; and
  - (b) the person is strongly encouraged to report that suspicion to a CSO so that steps can be taken to minimise potential harm to children.

#### 4. *Step 3: Make a report (if required)*

- (a) If a Staff member determines they are required to make a report, the Staff member must report that suspicion by:
  - (i) making a telephone notification to the Child Abuse Report Line (CARL) on 131 478 (noting that all serious concerns must be reported to CARL); or
  - (ii) making an electronic notification at <http://www.reportchildabuse.families.sa.gov.au/>.
- (b) If a Staff member makes a notification in accordance with paragraph 4(a), the person is strongly encouraged to notify the CSO that they have made that notification.
- (c) If a CSO or the CEO is notified that a child is, or may be, at risk of harm, they must:

- (i) take immediate steps to ensure the safety and wellbeing of any child or young person who may be at risk or danger;
  - (ii) confirm that the concern has been reported in accordance with paragraph 4(a), and if not, assist the Staff member to make the report;
  - (iii) complete an incident report (or direct the Staff member to complete it); and
  - (iv) where appropriate, arrange for an investigation to be conducted, noting that an independent investigation may be needed.
- (d) The CEO will be responsible for authorising any external investigator in line with Step 5 below.

#### Stand down

- (e) Where NYSF has allegations or concerns that any Staff member may have engaged in conduct that could give rise to risk of harm to a child, NYSF may, at its discretion:
  - (i) stand the Staff member down while an investigation is conducted (which will involve removing or limiting their contact with children, and liaising with authorities); and
  - (ii) direct the Staff member to return any keys, passes or equipment and to provide any access codes or passwords.

#### 5. *Step 4: Cooperate with regulatory authorities*

- (a) The Staff member and NYSF will cooperate with any investigation by the police or the Department for Child Protection.
- (b) Support will be provided to the child(ren) as deemed appropriate by the CSO.
- (c) All correspondence from regulatory authorities should be directed to a CSO.
- (d) NYSF will not interview the child(ren) further or otherwise investigate until the police or the Department for Child Protection have provided it with permission to do so.
- (e) The Department for Child Protection or the police may conduct interviews of children affiliated with NYSF without their parents' knowledge or consent.
- (f) When an officer from the Department for Child Protection or the police attend NYSF premises, a member of the leadership team should request to see identification before permitting them to have access to a student.
- (g) NYSF will notify the Department of Human Services Screening Unit and Central Assessment Unit of the allegations.

6. *Step 5: Internal investigation*
  - (a) Once clearance has been provided to NYSF by the relevant regulatory authorities, it may decide to conduct its own internal investigation.
  - (b) The CEO or Chair of the Board will appoint a relevant person to manage the internal investigation. If required, an external investigator will be appointed.
  - (c) The investigation will be undertaken in accordance with the principles of procedural fairness and natural justice.
  - (d) All Staff are expected to fully cooperate with any internal investigation.
  
7. *Step 6: Confidentiality*
  - (a) Following a report and during an investigation, Staff members will take all reasonable steps to protect the confidentiality and the interests of:
    - (i) the child(ren) and their family;
    - (ii) the individual(s) who made the report; and
    - (iii) any representative of or another person associated with NYSF who is implicated in the report or disclosure.
  
8. *Step 7: Internal investigation finalised*
  - (a) Following any internal investigation, findings and recommendations should be made.
  - (b) NYSF has full discretion to put in place safety management plans or take disciplinary action where it forms a reasonable belief that it is not safe for a Staff member to interact with children or young people.
  - (c) The findings of the investigation will also be reported to any external body as required.
  - (d) NYSF will endeavour to offer support to any Staff member or member of the NYSF community involved where appropriate.
  
9. *Step 8: Evaluation*
  - (a) The NYSF Board of Directors will be notified as needed and policies and procedures may need to be reviewed.

# Child Safety Incident Report Form

## Child's information

<b>Name:</b>	[insert]
<b>Date of birth:</b>	[insert]
<b>Gender:</b>	[insert]
<b>Residential address:</b>	[insert]
<b>Parent/carer name/s</b>	[insert]
<b>Language(s) spoken by child</b>	[insert]
<b>Disabilities, mental or physical health issues</b>	[insert]

## Does the child identify as Aboriginal or Torres Strait Islander?

No  Yes, Aboriginal  Yes, Torres Strait Islander

## Incident details

<b>Date of incident:</b>	[insert]
<b>Time of incident:</b>	[insert]
<b>Location of incident:</b>	[insert]
<b>Name(s) of child/children involved:</b>	[insert]
<b>Name(s) of staff/contractor/volunteer involved:</b>	[insert]

If you believe a child is at immediate risk of abuse, phone 000.

## Categorise the incident

<b>Physical violence</b>	<input type="checkbox"/>
<b>Sexual conduct or offence</b>	<input type="checkbox"/>

<b>Serious emotional or psychological abuse</b>	<input type="checkbox"/>
<b>Serious neglect</b>	<input type="checkbox"/>
<b>Other</b>	<input type="checkbox"/>

**Describe the incident (and attach an extra page if you need more room)**

<b>When did it take place?</b>	[insert]
<b>Who was involved?</b>	[insert]
<b>What did you see?</b>	[insert]
<b>Other information</b>	[insert]

**Has the incident been reported?**

<b>Government Department (please specify)</b>	[insert]
<b>Police</b>	[insert]
<b>Another third party (please specify):</b>	[insert]

**Incident reporter wishes to remain anonymous?**

Yes       No

**Office use:**

<b>Date incident report received:</b>	[insert]
<b>Staff member managing incident:</b>	[insert]
<b>Follow-up date:</b>	[insert]
<b>Incident ref. number:</b>	[insert]

**This form must be passed on to the Managing Director immediately**