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This policy applies to all Operation Flinders employees, contractors, peer group mentors and volunteers. Failure to comply is a breach of the Operation Flinders' Code of Conduct.

1. TITLE: CHILD SAFE ENVIRONMENT

2. POLICY STATEMENT

2.1. All children and young people who access the Operation Flinders Foundation's (OFF) programs have a right to be valued and to be and feel safe.

2.2. OFF acts to demonstrate the strong commitment of management, employees, contractors and volunteers to the establishment and maintenance of child safe and friendly environments in all OFF activities.

2.3 The Parliament of South Australia, *Children and Young Person (Safety) Act 2017*, recognises and acknowledges that it is of vital importance to the State, and all of its citizens, that all children and young people are given the opportunity:

- to thrive
- to be safe from harm
- to do well at all levels of learning and to have skills for life
- to enjoy a healthy lifestyle
- to be active citizens who have a voice and influence

The Parliament of South Australia accordingly commits to promoting these outcomes and recognises 'it is the duty of every person in the State to safeguard and promote these outcomes.'

3. PURPOSE

3.1. To ensure, through the provision of screening, training and support of all OFF staff, that

3.1.1. All children and young people who access OFF programs will be provided with a safe, caring and mutually respectful environment.

3.1.2. Any suspicion that any child or young person participating on an OFF program is or was the victim of actual or threatened abuse or neglect will be reported as a matter of priority via the Child Abuse Report Line (CARL), as per the *Children and Young Person (Safety) Act 2017*.

3.2. To ensure the Operation Flinders Foundation is a child and young people focussed organisation and takes institutional responsibility for a child-safe environment.

4. ROLES AND RESPONSIBILITIES

4.1. Scope

4.1.1 This Policy applies to all permanent and fixed-term employees, (whether full or part-time), all casual employees, contractors, volunteers and peer group mentors conducting activities or being likely to engage with children and young people (minors) who access any OFF program.

4.1.2 This Policy applies to all representatives of Operation Flinders Foundation who engage as members, advocates, board members and volunteers.

4.2. Definitions

4.2.1. A child or young person is a person less than 18 years of age. (*Children and Young Person (Safety) Act 2017*)

4.2.2. Abuse or neglect in relation to a child is defined as sexual, physical or emotional abuse of the child and that the child has suffered or is likely to suffer physical and/or psychological injury and/or reduced physical/mental development. (*Children and Young Person (Safety) Act 2017*)

4.2.3. A 'parent' will also include legal guardian.

4.2.4. Grooming is "a process by which a person prepares a child, significant adults and the environment for the abuse of this child. Specific goals include gaining access to the child, gaining the child's compliance and maintaining the child's secrecy to avoid disclosure. This process serves to strengthen the offender's abusive pattern, as it may be used as a means of justifying or denying their actions." (Craven et al., 2006). These definitions may apply to a real-world setting or that which occurs online.

4.2.5. Children and Young People (Safety) Act 2017 - Providing safe environments for children and young people. Organisations must have in place policies and procedures to establish and maintain safe environments for children. Policies and procedures must meet the minimum requirements set out in the child safe environments:

Principles of Good Practice - Child Safety (Prohibited Persons) Act 2016. The Act established the working with children check scheme in South Australia. The working with children checks scheme strengthens and simplifies the laws for people working or volunteering with children and young people.

4.3 Clearances and Training

4.3.1. All Operation Flinders volunteers, staff and contractors engaged with any OFF program must hold a current DCSI clearance (current clearances must be renewed every five years) before undertaking any work or activities with OFF.

4.3.2. All Operation Flinders volunteers, staff and contractors engaged with or conducting activities with children and young people (minors) must have competently completed (with evidence) Child Safe Environment training. To be completed before undertaking any work or activities with OFF that may involve contact with a minor. This training is to be updated every three years.

4.3.3 Peer Group Mentors age 18 and above must abide by 4.3.1 and 4.3.2 above.

4.3.4 Staff/volunteers/contractors must be screened through the recruitment process and maintain their role/responsibility contracted credentials as specified in their job or duty descriptions. They must complete a child-safe environment information session.

4.3 Mandatory Reporting

<https://www.childprotection.sa.gov.au/reporting-child-abuse/mandated-notifiers-and-their-role>

4.3.1 Who is a Mandatory Reporter?

The Children and Young People (Safety) Act 2017 requires every person to safeguard and promote the outcome that children and young people are to be kept safe from harm.

Specific professions and roles must, by Law, report their concerns for a child or young person if—
the person suspects on reasonable grounds that a child or young person is, or may be, at risk; and
that suspicion was formed in the course of the person's employment.

"any other person who is an employee or, or volunteer in, a government or non-government organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children, being a person who -

- is engaged in the actual delivery of those services to children; or
- holds a management position in the relevant organisation which includes duties that have direct responsibility for, or direct supervision of, the provision of those services to children." (*Children and Young Person (Safety) Act 2017*)

All Operation Flinders volunteers, staff and contractors engaged with or conducting activities with children and young people (minors) who access any OFF program are mandated notifiers. Peer Group Mentors under the age of 18 are to inform an OFF staff member who can make the mandatory notification on their behalf.

4.3.2 When to notify?

A mandated notifier must make a report to the Department for Child Protection, through the CARL line 13 14 78, if they suspect on reasonable grounds that a child

or young person has been or is being abused, neglected or groomed. If sexual abuse is suspected, an immediate report to SAPOL must be made.

A mandated notifier does not have to be able to prove that abuse or neglect has occurred.

Reasonable grounds to report suspected abuse and/or neglect and/or grooming may include:

- when your observations of a particular child's behaviour and/or injuries lead you to suspect a child is being abused, groomed or neglected
- when a child tells you, they have been abused
- a child telling you that they know of someone who has been abused, groomed or neglected (they may be referring to themselves)
- when your observations about the behaviour of the child, or their adult caregivers, give you cause to suspect that a child is being, or is at risk of being, abused, groomed or neglected
- when you hear about it from someone who is in a position to provide reliable information, perhaps a relative or friend, neighbour or sibling of a child who is at risk." (*Children and Young Person (Safety) Act 2017*)

4.3.3. Reporting Process Specific to Program Location on an Exercise at Yankaninna.

- When an OFF volunteer/staff/contractor is on Exercise in Field and out of phone/online web range, they must notify Exercise Command (as soon as is practicable) that a notification has been made. The Exercise Command staff will meet with the notifier and will determine a time 'as soon as is practicable' (*Children and Young Person (Safety) Act 2017*) for the notifier to be brought to a location where a notification can be made.
- If the disclosure or suspicion includes information that indicates that siblings are currently at risk or that the child will be returning from an Exercise to the abusive or neglectful situation, the CARL report line must be contacted immediately. This will require the notifier to be transported back to base camp to make the verbal notification.
- Staff/volunteers/contractors are instructed to take detailed notes of the disclosure as they may be required to give a statement in the event of a police investigation.
- The notifier and no other person must contact the CARL report line or SAPOL if the suspicion is sexual abuse and provide information about the suspected abuse and/or neglect.

4.3.3. Duty of care

- It is a legal requirement for a mandated notifier to report their suspicions to the Department for Child Protection. However, the *Children and Young Person (Safety) Act 2017*, recognises that making a notification does not necessarily exhaust a mandated notifier's duty of care to a child and their family. This means that a mandated notifier's duty of care is not over when they make a report to the Child Abuse Report Line.

- A mandated notifier should consider how they can continue to respond to the needs of the child and their family. There are also other support services available for children, young people and families that may be able to help.

4.4.4. Confidentiality of notification of abuse or neglect

Under the *Children and Young Person (Safety) Act 2017*, a mandated notifier's identity will not be disclosed except:

- In the course of official duties to another person acting in an official capacity (e.g. police acting in the matter of criminal prosecution), or
- when the court deems the notifier to be evidence of critical importance to legal proceedings, or
- if the mandated notifier has consented to the disclosure of their name.

A mandated notifier is immune from civil liability for reporting a suspicion in good faith. A person must not threaten, intimidate or cause damage, loss or disadvantage to a mandated notifier because they have reported, or propose to report, suspected abuse or neglect (*Children and Young Person (Safety) Act 2017*).

4.4.5. Failing to report

"A failure by a mandated notifier to report a suspicion formed on reasonable grounds that a child or young person has been or is being abused or neglected may result in a person and/or organisation being prosecuted and a court imposing a fine." (*Children and Young Person (Safety) Act 2017*).

OFF mandated reporters failing to report will be terminated from their role/responsibility.

4.4.6. Risk Assessment

OFF will continually act to assess, identify and remove all possible sources of harm to children and young people in all programs provided by OFF to ensure the safety and well-being of those program participants.

5. ASSOCIATED OFF DOCUMENTS/PROCEDURES (Summary)

(OFF M Drive: Documents and Policies)

- *One on One Interaction Policy* – no minor will be alone with any OFF volunteer/staff/contracted adult except when they are in clear view of other adults while on the program.
- *Grievance Policy*
- *Operation Flinders Code of Conduct* – all members/volunteers/staff/contractors must abide by the current code of conduct.
- *Duty of Care Policy* – volunteer/staff/contracted adult responsibilities of minors in their supervision/care.

- *OFF Risk Assessment Policies/Procedures* – completed and updated for all activities and organisational governance
- *Situation Management Procedures and Training* – procedures and tools that equip staff/volunteers/contracts to diffuse aggressive and potentially violent situations without making physical contact with minors.

6. REFERENCES

- Children and Young People (Safety) Act 2017
[https://www.legislation.sa.gov.au/LZ/C/A/Children%20and%20Young%20People%20\(Safety\)%20Act%202017.aspx](https://www.legislation.sa.gov.au/LZ/C/A/Children%20and%20Young%20People%20(Safety)%20Act%202017.aspx)
- Guidelines for Mandated Notifiers:
<https://www.childprotection.sa.gov.au/reporting-child-abuse/mandated-notifiers-and-their-role>
- DCSI Clearances:
<http://dcsi.sa.gov.au/contact>
- Standards for dealing with Information regarding the Criminal History of Employees and Volunteers. (Families SA):
https://www.decd.sa.gov.au/sites/g/files/net916/f/standards_for_dealing_with_information_about_a_persons_criminal_history.pdf
- Child Abuse Report Line CARL:
Phone: 13 14 78
Online reporting system: www.reportchildabuse.families.sa.gov.au
The online reporting system is only for mandated notifiers to report less severe concerns.
- Indicators of Child Abuse and Neglect:
<https://www.childprotection.sa.gov.au/reporting-child-abuse/indicators-abuse-or-neglect>
- Responding to a Child about Abuse and Neglect:
<https://www.childprotection.sa.gov.au/reporting-child-abuse/responding-child-about-abuse-or-neglect>
- Child Protection Policies
<https://decd-sa.govcms.gov.au/supporting-students/child-protection/child-protection-policies-and-guidelines>