

Policy Name:	SAFETY OF CHILDREN, YOUNG AND VULNERABLE PEOPLE
Policy No.	RC5.1
Issued:	20 March 2023
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Purpose

To state HITsa's commitment to ensuring that children, young and vulnerable people are valued, respected, and encouraged to participate and that the safety and protection of children and young people is always the first priority.

To ensure we meet our obligations under the Children and Young People (Safety) Act 2017 (CYPS Act), the Child Safety (Prohibited Persons) Act 2016 and the National Principles for Child Safe Organisations.

Areas Affected

All interactions between HITsa staff and learners

General

HITsa is committed to the principles of equity, diversity, and inclusion and to the belief that all children, young and vulnerable people belong, regardless of their abilities, sex, gender identity, socioeconomic or cultural background.

HITsa will not tolerate abuse or any form of exploitation or harm to children, young or vulnerable people. Bullying and harassment will not be tolerated.

Communication

This policy is made available to children, young people and families on our website – www.HITsa.com.au. It is an inclusion in our student handbook and is also referred to as part of each learner's induction at the commencement of their training with HITsa.

HITsa's Commitment to the safety of children, young and vulnerable people

HITsa's Learner Code of Behaviour explains respectful behaviour. Any learner behaviour that is not consistent with these expectations, either observed or experienced, will be reported to the Trainer and/or RTO Co-Ordinator. The Business Manager and/or Executive Officer will be engaged to address. If found to be bullying, harassment and/or a serious breach of the Code the learner will be removed from class and the behaviour reported to relevant third parties (job service provider, employer or other with vested interest).

HITsa, as a member of the Saturno Group of Companies, is party to Organisational Policies and Procedures that include acceptable behaviour. Staff are required to acknowledge their reading and understanding of all policies and procedures at the start of their employment with HITsa. Compliance with policies and procedures is a term of employment for every staff member and performance management will be undertaken for non-compliance. The outcome of this process may be termination of employment.

Conduct Promoting a Safe Environment

To promote a Child Safe environment, HITsa Executive Officer will

- Ensure at least two referee checks are undertaken on prospective employees
- The previous employment of prospective employees is authenticated
- Require all employees to have and maintain current clearance to work with children and

vulnerable people

- **Include the commitment of all HITsa staff to child, young and vulnerable people's safety and wellbeing in all position descriptions**
- Include compliance with HITsa's policies and procedures as a term and condition of employment.
- Notify the DHS central assessment unit should HITsa become aware of any reportable Information pertaining to a staff member.
- Promote and comply with this Policy
- Ensure staff receive a copy of this policy during induction
- Communicate this policy to current and prospective learners through our website, enrolment forms and student handbook
- Ensure staff undertake Responding to Risk of Harm – Education and Care (RRHAN-EC) training and refresher training as it becomes due (every 3 years).
- Create an environment in which staff are aware of and understand their mandatory reporting responsibilities articulated in Sections 30-31 of the CYPS Act and are supported to execute them
- Require a school representative to be present in the classroom whenever training is delivered to secondary school students
- Require copies of secondary school child safety policies and procedures prior to the delivery of training on secondary school grounds and require the HITsa trainer responsible for training delivery at the site to be familiar with the content.
- Include child safety as a standing item on meeting agendas

To promote a Child Safe environment, HITsa staff will

- Comply with this Policy
- Carry out their legal responsibility to notify as a mandated reporter under Sections 30-31 of the CYPS Act to notify the Department for Child Protection (DCP) if they suspect on reasonable grounds that a child (including an unborn child) or young person is or may be at risk.
- Document the notification and forwarded to the Executive Officer. This record will be filed securely in a location that is accessible only to the Executive Officer and General Manager.
- Listen to children, young and vulnerable people, treating them always with respect and kindness
- Complete Responding to Risk of Harm – Education and Care (RRHAN-EC) training every three years, as notified by the Manager, Policy and Process.

To promote a Child Safe environment, HITsa staff will not

- Engage in any form of sexual conduct with a child or young person, including making sexually suggestive comments and sharing sexually suggestive material
- Engage in behaviour that has the potential to cause a child or young person serious emotional or psychological harm
- Develop any 'special' relationships with children and young people that could be seen as favouritism,
- such as the offering of gifts or special treatment
- Engage in undisclosed private meetings with a child or young person who is not your own child or young person.
- Engage in inappropriate personal communications with a child or young person through any medium, including any online contact or interactions.
- Take or publish (including online) photos, movies or recordings of a child or young person without documentation confirming parental/guardian consent.
- Post online any information about a child or young person that may identify them, such as their name, age, address, email address, telephone number, school etc.
- Ignore or disregard any suspected or disclosed child abuse, grooming or neglect.

To promote a safe environment for all learners, HITsa staff will not

- Fraternalise with learners outside of the classroom at any time, including breaks
- Provide personal contact details such as mobile number, email or home or alternative work address
- Develop any “special” relationships with learners that could be seen as favouritism, such as the offering of gifts or special treatment
- Meet with learners at any time other than scheduled appointments associated with the learner’s studies, and only at locations approved by HITsa Executive Officer. HITsa training sites and learner work locations are deemed to be approved locations.

Working With Children Checks

- HITsa Trainers are recognized as prescribed positions under the Child Safety (Prohibited Persons) Act 2016 (SA) and require a valid Working with Children Check.
- The status of the check must be, and remain, as not prohibited.
- Upon commencement of employment, the check must be current, being issued within the last 12 months.
- The Manager, Process and Systems will verify the accuracy of the Working with Children Check through the DHS Screening Unit prior to any engagement working with children, young or vulnerable people.
- To ensure ongoing employment, this clearance must be renewed prior to expiry. The Manager, Process & Systems, will verify each renewal through DHS Screening Unit.
- The Executive Officer will advise the Screening Unit should we become aware of relevant information relating to a current or prospective staff member that relates to any serious criminal offence, child protection information, disciplinary or misconduct information.

Reporting and Management

All incidents – whether observed by or reported to trainers or any other staff must be reported to the Executive Officer at the earliest opportunity. The report is to be provided verbally first and followed up with a written account of this incident within 3 days.

Incidents referred to the Executive Officer will be thoroughly investigated and action will be taken to respond. Action may include expulsion of a learner, termination of employment for a staff member and reporting the incident to the appropriate authorities where required by law.

Reporting to the Executive Officer is secondary to mandated reporting. Compliance with all legal obligations, and securing the safety of children, young or vulnerable people is always the first priority.

Mandated Notifiers (Reporters)

Mandated Notifiers at HITsa

- A mandated notifier is legally obliged to report to the Department for Child Protection where they suspect on reasonable grounds that a child or young person is, or may be, at risk.
- A mandated notifier must report as soon as is reasonably practicable after forming a suspicion of risk
- HITsa staff who provide services directly to children or young people, and those who are in management positions, with duties including direct responsibility for, or direct supervision of, the provision of services to children or young people, are included as mandated notifiers.
- Trainers, RTO CoOrdinators, Business Managers and the Executive Officer are recognized as mandated notifiers.
- Mandated Notifiers will undertake Responding to Risks of Harm, Abuse and Neglect – Education and Care (RRHAN-EC) training as soon as practical after commencing employment.
- Tauondi Aboriginal Corporation is HITsa’s preferred training provider.
- HITsa’s Systems and Process Manager will keep record of RRHAN-EC completion and notify staff when refresher training is required.

Making a Mandatory Notification (Report)

In Australia, child protection legislation empowers state and territory governments to intervene when there are concerns that a child or young person has been harmed or is at risk of harm.

Mandated notifiers are required to make a report to the Department for Child Protection if they suspect on reasonable grounds that a child or young person is being harmed, or may be, at risk of harm, as set out in section 18 of the Safety Act. Notification must be made as soon as is reasonably practicable after forming the suspicion.

Notification may be made by either -

Phone call to Child Abuse Report Line (CARL) - Ph 13 14 78

Or

Online report - <https://my.families.sa.gov.au/IDMProv/landing.html>

If the case involves Aboriginal children and young people, support is provided by Yaitya Tirramangkotti – an Aboriginal team, via the CARL phone number above.

The individual who identifies the harm or risk of harm must be the person who makes the report to CARL/SAPOL, and the matter is not to be reported internally for another staff member to determine if it is a reportable matter. A mandated notifier's duty of care is not over when they make a report to CARL. They should consider how they can continue to respond to the needs of the child and their family.

While the need to report is, fortunately, very infrequent, it is important that HITsa staff members remain familiar with their obligations and refer to supporting documentation to assist with the decision to report and the process of doing so. The attached link is a valuable reference tool.

<https://www.childprotection.sa.gov.au/reporting-child-abuse/report-child-abuse-or-neglect>

If there are immediate concerns for a child, young or vulnerable person's safety, call the Police on 000. Call 131 444 if non-urgent Police assistance is required.

If a report is made, the reporter must inform the Executive Officer after meeting their statutory obligations.

Failure by a mandated reporter to report a reasonable suspicion that a child has or is being harmed or is at risk of harm is an offence under the South Australian Children and Young People (Safety) Act 2017 and carries a maximum penalty of a \$10,000 fine. Failure to report is also a breach of this Policy and may result in disciplinary action being initiated against the staff member.

Protecting and support for reporters

1. Under the South Australian Children and Young People (Safety) Act 2017

Reporters of harm or risk of harm to children will not be held legally liable for the report or any investigation of the report if a report is made in good faith and does not constitute unprofessional conduct or a breach of professional ethics.

Mandated notifiers are also protected from 'threats, intimidation, damage, loss or disadvantage' because they have reported or propose to report suspected harm or risk of harm to a child or young person.

Disclosure of the name or any identifying information in relation to a person who has made a report to the Child Abuse Report Line will not be made unless:

- The reporter chooses to inform the child, young person or family
- The reporter consents, in writing that their identity can be disclosed.
- The case proceeds to court.
- In these circumstances the source of the information may be provided in evidence to the court.
- The identity of the reporter may be provided to a service if there is significant concern for the wellbeing of the child; however the other service will not disclose the reporter's identity to others.

2. Protection of reporters by HITsa

HITsa staff and others can report their concerns to the Executive Officer freely and without fear of reprisal or intimidation. The General Manager is also available to support reporters in any situation. HITsa opposes all forms of harassment and bullying. Anyone who believes that they or another person has been harassed or bullied can raise the issue with the Executive Officer in line with our policies. HITsa ensures that support is also available for Staff making notifications through our corporate psychology service providers. An appointment time may be made by the Executive Officer, or contact details provided to the reporter for their action. The reporter will choose their preferred approach.

Allegation against a HITsa Staff Member

If you believe that a child, young or vulnerable person is at immediate risk of harm at the hands of a HITsa staff member do not delay intervening. Protecting the child, young or vulnerable person's safety is paramount. In all other situations, you must inform the Executive Officer of your concerns at the earliest point in time.

Your responsibilities as a mandated reporter are not diminished if a HITsa staff member is a party to the unsafe situation.

If the Executive Officer receives notification of an allegation against a HITsa staff member, the staff member will be removed from environments in which there is interaction with children, young or vulnerable people and provided with alternative duties whilst the allegation is investigated. If no alternative duties are available for rostered shifts, the staff member will be directed to remain away from the workplace, with pay for the rostered shifts.

If the investigation is not complete, hourly paid trainers will not be rostered for shifts following the completion of the current roster period until an outcome has been determined.

Where a Mandatory notification has been made, CARL / SAPOL will advise whether an internal investigation is appropriate.

Performance management will be implemented in line with the staff member's terms and conditions of employment.

Respecting Cultural Diversity

To respond appropriately to the needs of people from diverse backgrounds, HITsa staff will seek advice and guidance whenever they are involved with families whose culture is unfamiliar to them.

Staff should discuss their concerns with the Executive Officer. The Executive Officer will connect the staff member with culturally suitable support services through Tauondi Aboriginal College, a close business partner of HITsa. Other suitable support services include –

- Aboriginal Health Council of South Australia Inc. Address: 9 King William Road, Unley SA 5061
Telephone: (08) 8273 7200 Email: ahcsa@ahcsa.org.au
- Interpreting and Translating Centre Address: Level 4, 44 Pirie Street, Adelaide
Telephone: 1800 280 203 (Toll Free) Email: itc@sa.gov.au
- Migrant Resource Centre of South Australia Address: 59 King William Street, Adelaide
Telephone: (08) 8217 9500 Email: admin@mrca.com.au
- Multicultural SA Address: Level 8, Riverside Centre, North Terrace, Adelaide
Telephone: (08) 8207 0751 Email: dcsimulticulturalsa@sa.gov.au

END

Date	Version	Amendment(s)
20.03.23		Original Document – Replaces HITP0059/11
25.08.23	RC5.1	Updated for feedback – Dept Human Services