

# **CHILD SAFETY AND MANDATORY REPORTING POLICY**

<b>Date Approved:</b>	14/01/2020
<b>Date Effective:</b>	14/01/2020
<b>Scheduled Review Date:</b>	21/11/2023
<b>Policy Category:</b>	Educational
<b>Policy Owner:</b>	Principal

## **Context**

This policy sets out staff obligations with respect to;

- Mandatory Reporting requirements, with respect to the Children, Youth and Families Act 2005
- Children and Young people (Safety) Act 2017
- Child Safety (Prohibited Persons) Act 2016
- Failure to Protect Obligations
- Failure to Act Obligations
- Child Protection Obligations

## **Definitions**

The above legislation mandates that all TRB (SA) registered staff have obligations under *Mandatory Reporting* requirements.

All other SEDA College SA (“SCSA” or ‘the College’) employees have obligations to either report or act to protect students at risk

All SCSA employees have expectations under the SEDA Child protection guidelines.

## Statement of Policy

All young people who come to SCSA have a right to feel and be safe. SCSA is committed to the safety and well-being of all children and young people accessing our services and the welfare of the children in our care will always be our first priority. The College has a commitment to a culture of child safety and has zero tolerance of child abuse.

We have policies aimed to create a child safe and child friendly environment where all children are valued and feel safe, including the Working with Children's Check Policy.

We have the *Student Connect Referral Service* as a first point of contact to provide advice and support to children, parents/carers, employees and volunteers regarding the safety and well-being of children in SCSA.

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. Types of child abuse include:

- physical abuse
- sexual abuse
- emotional abuse
- neglect
- medical neglect
- family violence
- human trafficking (including forced marriage)
- sexual exploitation (including pornography and prostitution)

A report should be made to Department for Child Protection in circumstances where, for example:

- the child is engaging in risk-taking behaviour
- female genital mutilation has occurred, or there is a risk of it occurring
- there is a risk to an unborn child
- a child or young person is exhibiting sexually-abusive behaviours

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert staff and volunteers to the possibility of child abuse and neglect.

All staff and volunteers are required to actively listen to and empower children to feel safe raising a concern. It is not the staff members role to determine the truthfulness of an allegation made, it is incumbent on them to report this concern to the relevant authority as outlined in this policy.

## Our commitment to child safety

SCSA is committed to child safety.

- We want children to be safe, happy and empowered. We support and respect all children, as well as our staff and volunteers.
- We are committed to the safety, participation and empowerment of all children.
- We have zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently with our robust policies and procedures.
- We have legal and moral obligations to contact authorities when we are worried about a child's safety, which we follow rigorously.
- We seek to prevent child abuse and identify risks early and remove and reduce these risks
- We have robust human resources and recruitment practices for all staff and volunteers are committed to regular training and education of staff and volunteers on child abuse risks.
- We support and respect all children, as well as our staff and volunteers.
- We are committed to the cultural safety of Aboriginal children, the cultural safety of children from a culturally and/or linguistically diverse backgrounds, and provide a safe environment for children with a disability.
- We have specific policies, procedures and training in place that support our leadership team, staff and volunteers to achieve these commitments.

[If you believe a child is at immediate risk of abuse phone 000.](#)

## Our children

This policy is intended to empower children who are vital and active participants in SCSA. We involve them when making decisions, especially about matters that directly affect them. We listen to their views and respect what they have to say.

We promote diversity and tolerance at SCSA, and people from all walks of life and cultural backgrounds are welcome. We:

- promote the cultural safety, participation and empowerment of Aboriginal children
- promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds
- ensure that children with a disability are safe and can participate equally.

## Our staff and volunteers

This policy, read in conjunction with our *Staff Code of Conduct* guides our staff and volunteers on how to behave with children in SCSA.

All our staff and volunteers must agree to follow our *Code of Conduct* which specifies the standards of conduct required when working with children.

## Training and supervision

Training and education is important to ensure that everyone in SCSA understands that child safety is everyone's responsibility.

SCSA's culture aims for all staff and volunteers (in addition to parents/carers and children) to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. We train our staff and volunteers to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse.

We also support our staff and volunteers through ongoing supervision to:

- develop their skills to protect children from abuse;
- and promote the cultural safety of Aboriginal children,
- the cultural safety of children from linguistically and/or diverse backgrounds, and
- the safety of children with a disability.

New employees and volunteers will be supervised regularly to ensure they understand SCSA's commitment to child safety and that everyone has a role to play in protecting children from abuse, as well as checking that their behaviour towards children is safe and appropriate. (please refer to this organisation's *Code of Conduct* to understand appropriate behaviour further).

Any inappropriate behaviour will be reported through appropriate channels, including the Department of Health and Human Services and South Australia Police, depending on the severity and urgency of the matter.

## Recruitment

We take all reasonable steps to employ skilled people to work with children. We develop selection criteria and advertisements which clearly demonstrate our commitment to child safety and an awareness of our social and legislative responsibilities. The College understands that when recruiting staff and volunteers we have ethical as well as legislative obligations.

We actively encourage applications from Aboriginal peoples, people from culturally and/or linguistically diverse backgrounds and people with a disability.

All people engaged in child-related work, including volunteers, are required to hold a Working with Children Check and to provide evidence of this Check.

We carry out reference checks and police record checks to ensure that we are recruiting the right people. Police record checks are used only for the purposes of recruitment and are discarded after the recruitment process is complete. We do retain our own records (but not the actual criminal record) if an applicant's criminal history affected our decision-making process.

If during the recruitment process a person's records indicate a criminal history then the person will be given the opportunity to provide further information and context.

## Fair procedures for personnel

The safety and wellbeing of children is our primary concern. We are also fair and just to personnel. The decisions we make when recruiting, assessing incidents, and undertaking disciplinary action will always be thorough, transparent, and based on evidence.

We record all allegations of abuse and safety concerns using our 'Incident Reporting Form' ([Appendix 5](#)), including investigation updates. All records are securely stored.

If an allegation of abuse or a safety concern is raised, we provide updates to children and families on progress and any actions we as an organisation take.

## Privacy

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be staff, volunteers, parents or children, unless there is a risk to someone's safety. We have safeguards and practices in place to ensure any personal information is protected. Everyone is entitled to know how this information is recorded, what will be done with it, and who will have access to it.

## Legislative responsibilities

SCSA takes our legal responsibilities seriously, including:

### Failure to disclose:

Reporting child sexual abuse is a community-wide responsibility. All adults in South Australia who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police.

### Failure to protect:

People of authority in SCSA will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.<sup>1</sup>

Any personnel, such as Teachers, who are **mandatory reporters** must comply with their duties, (see [Appendix 1](#), [Appendix 2](#), [Appendix 4](#))

## Risk Management

In South Australia, organisations are required to protect children when a risk is identified (see information about 'Failure to Protect' above). In addition to general occupational health and safety risks, we proactively manage risks of abuse to our children.

We have risk management strategies in place to identify, assess, and take steps to minimise child abuse risks, which include risks posed by physical environments (for example, any doors that can lock), and online environments.

## Allegations, concerns and complaints

SCSA takes all allegations seriously and has practices in place to investigate thoroughly and quickly. Our staff and volunteers are trained to deal appropriately with allegations.

We work to ensure all children, families, staff and volunteers know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour.

We all have a responsibility to report an allegation of abuse if we have a reasonable belief that an incident took place (see information about 'Failure to Disclose' above).

If an adult has a **reasonable belief** that an incident has occurred, then they must report the incident. Factors contributing to reasonable belief may be:

- a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves)
- behaviour consistent with that of an abuse victim is observed
- someone else has raised a suspicion of abuse but is unwilling to report it
- observing suspicious behaviour.

It is important to note that fulfilling the roles and responsibilities contained in the procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

## Procedures

**1** All employees and volunteers are made aware of, and must abide by, SCSA's Child Protection Code of Conduct Guidelines for employees and volunteers – see [Appendix 3](#).

**2** SCSA's Mandatory Reporting Flowchart ([Appendix 4](#)) and the following procedural advice and steps can be used as a framework by SCSA staff to follow when reporting child abuse and neglect.

### **3 Reporting child protection concerns**

Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to Department for Child Protection.

[Appendix 1](#) describes in more detail who is mandated to report.

All other school staff members who form a belief on reasonable grounds that a child or young person:

- is in need of protection, should report their concerns to Department of Child Protection or South Australia Police.
- is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns to Department of Child Protection.

If staff have significant concerns for the wellbeing of a child or young person they should report their concerns to Department of Child Protection.

In cases where staff have concerns about a child or young person, they should also discuss their concerns with the principal or a member of the school leadership team. It is important to note that even if other staff members don't share the same view, the staff member is still required to make a report on each occasion they form a view that a young person is at risk. Where another mandated reporter undertakes to make the report, staff are required to confirm that the report is made.

#### **4 Reporting criminal child sexual abuse - failure to disclose offence**

Any staff member- (this includes non-teaching staff) who forms a reasonable belief that a sexual offence has been committed in South Australia by an adult against a child under 16 must disclose that information to police. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to Department of Child Protection.

The offence applies to **all adults** in South Australia, not just professionals who work with children. To read more information about the 'failure to disclose' offence see the Department of Justice website;

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

#### **5 Duty of care**

School staff have a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care they should take immediate action.

In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, school staff can discharge this duty of care by taking action which includes the following:

- reporting their concerns to the Department of Child Protection or another appropriate agency (as identified above)
- notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns.

## 6 Protecting children from the risk of sexual abuse - failure to protect offence

Any staff member in a position of authority (this includes non-teaching staff), who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child-related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

The offence applies only to **adults in a position of authority** within an organisation, including Principals, senior school staff other senior managers.

## 7 Forming a Belief

- A belief is considered to be more than a suspicion. A person may be considered to have formed a belief if they are more likely to accept rather than reject the suspicion that a child is at risk of harm from abuse and/or neglect.
- Proof is not required that abuse has occurred or is likely to occur. A belief is sufficient. It is the role of the Child Protection to determine whether that belief should be investigated
- If one staff member has a different view from another staff member, (including their manager or principal) about making a report and the staff member continues to hold the belief that a child is in need of protection, that person is still obliged to make a report to the relevant Child Protection Authority.

Reasonable grounds is the mechanism used for forming the belief. Examples are:

- a child tells a Staff member they have been abused
- someone else tells a Staff member (a relative, friend, neighbour or sibling) that a child has been abused or is at risk of abuse
- a child tells a Staff member that they know someone who has been abused (often a child is referring to themselves)
- a Staff members own observation of a particular child's behaviour/injuries or their knowledge of children generally leads them to suspect that abuse is occurring
- other grounds that have led to the forming of a belief that a child is being abused.

## 8 Information required when making a report to Child Protection

The following information is required to make the report (See [Appendix 4](#) for flow chart):

- name of family and children
- addresses, language spoken and student's date of birth
- factual and specific reason for concern
- the reporter's involvement with the family
- any other people or agencies involved
- concerns about a child protection workers safety in visiting the family
- best time to find the parents/carers at home
- if the family knows the report is being made.

Note: An inability to provide all of this information should not delay the making of the report. Further information can be provided after the initial report is made.

[Appendix 2](#) gives a clear description of contact details for making a report

## Related policies and procedures

<sup>1</sup> Student Wellbeing Policy  
Children Youth and Families Act 2005

## Regular review

This policy will be reviewed every two years and following significant incidents if they occur. We will ensure that families and children have the opportunity to contribute. Where possible we do our best to work with local Aboriginal communities, culturally and/or linguistically diverse communities and people with a disability.

## Policy History

Version	Policy Owner	Approval Date	Effective Date	Summary of Changes
V1.0	MDA	22/11/18	22/11/18	Initial draft version
V1.1	MDA	14/01/20	14/01/20	Policy review and grammatical amendments
V1.2	MDA	01/06/20	01/06/20	Policy reviewed against repeal of Children's Protection Act (1993) & commencement of the Child Safety (Prohibited Persons) Act 2016
V1.3	Principal	18/01/21	18/01/21	Minor formatting & SCSA Branding
V 1.4	Principal	11/05/21	11/05/21	Update Appendix Links

## Acknowledgement

I \_\_\_\_\_ have read, understood and agree to comply with the terms of this Child Safety and Mandatory Reporting Policy.

\_\_\_\_\_  
**Signed**

\_\_\_\_\_  
**Dated**

*Our Mission is to become the most forward-thinking education organisation in South Australia: highly regarded for engaging, educating and empowering young people through the medium of sport.*



## **Appendix 1 – Mandatory Reporting Requirements applicable to SCSA**

<https://www.childprotection.sa.gov.au/sites/g/files/net916/f/mandatory-reporting-guide.pdf>

**SEDA College SA**

Level 3  
169 Fullarton Road | Dulwich  
SA | 5065

w [sedacollege.sa.edu.au](http://sedacollege.sa.edu.au)  
e [info@sedacollege.sa.edu.au](mailto:info@sedacollege.sa.edu.au)  
p 08 8330 4094

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## Appendix 2 – Relevant Authorities and Contact Details if you suspect a child may be experiencing maltreatment

Department of Child Protection **13 14 78**

### Reporting child abuse and neglect

**Child Abuse Report Line 131 478.**

*Call the Child Abuse Report Line if you suspect that a child or young person is being abused or neglected:*

**Kids Helpline 1800 551 800**  
*24 hours a day or visit [www.kidshelp.com.au](http://www.kidshelp.com.au)*

Call the Kids Helpline if you are aged between five and 18 and someone is:

- hurting you
- making you feel bad
- not looking after you properly
- making you feel unsafe.

Calls to the Kids Helpline are free from home and public phones.

You won't have to tell anyone your name or where you live if you don't want to.

### Crime Stoppers

Call Crime Stoppers **1800 333 000**

or *make a report online* if you have information about:

- child sexual exploitation
- online paedophile activities
- child pornography.

You can remain anonymous. Or contact your local police station.

### Police assistance

**Call 000 if it is an emergency.**

Call **131 444** for non-urgent police assistance.

## Appendix 3: SCSA's Child Protection Code of Conduct Guidelines (for employees and volunteers)

*Copied from 'SCSA - Child Protection Code of Conduct Guidelines and Reporting Forms v1.0'*

SharePoint Link:

<https://sedacollegesa.sharepoint.com/:b:/s/SEDACollegeSA/EX0L9cnEyJVEjuYBrR9w6PABqct1JZuiB1Ae8m7RjijG3Q?e=GnG4Pi>

MySEDA Link:

<https://schoolbox.sedacollege.sa.edu.au/send.php?id=1147>

### **SCSA's Child Protection Code of Conduct Guidelines for employees and volunteers**

Caring for children and young people brings additional responsibilities for employees and volunteers of this organisation.

All employees and volunteers of this organisation are responsible for promoting the safety and well-being of children and young people by following policies and procedures developed by SEDA College SA, including SEDA College SA's Child Safe Policy to ensure that:

- The safety and welfare of children and young people is paramount at all times.
- Children and young people are treated with dignity, equality and respect.
- The views and concerns of children and young people are listened and responded to appropriately within the organisation.
- All reasonable steps are taken to ensure the safety and protection of children and young people within the organisation.
- Children and young people understand their rights and have these explained to them in age-appropriate language as to what they can expect when participating in a service, activity or program offered by the organisation.
- Any serious complaints made by a child, young person or their parent/carer are responded to quickly, fairly and transparently via the Complaints and Concerns Policy – Students.
- They as an employee notify the Department of Child Protection:

#### **SA: Child Protection Emergency Service on 13 14 78**

as soon as practicable if they have awareness or a reasonable suspicion that a child has been, or is being, abused or neglected.

Employees/volunteers will not:

- Take part in any unnecessary physical contact with a child or young person.
- Discriminate against any child or young person because of age, gender, cultural background, religion, vulnerability or sexuality.
- Develop any 'special' relationships with children or young people outside of the professional relationship.

## Appendix 4: SCSA's Mandatory Reporting Flowchart

Copied from 'SCSA - Child Protection Code of Conduct Guidelines and Reporting Forms v1.0'

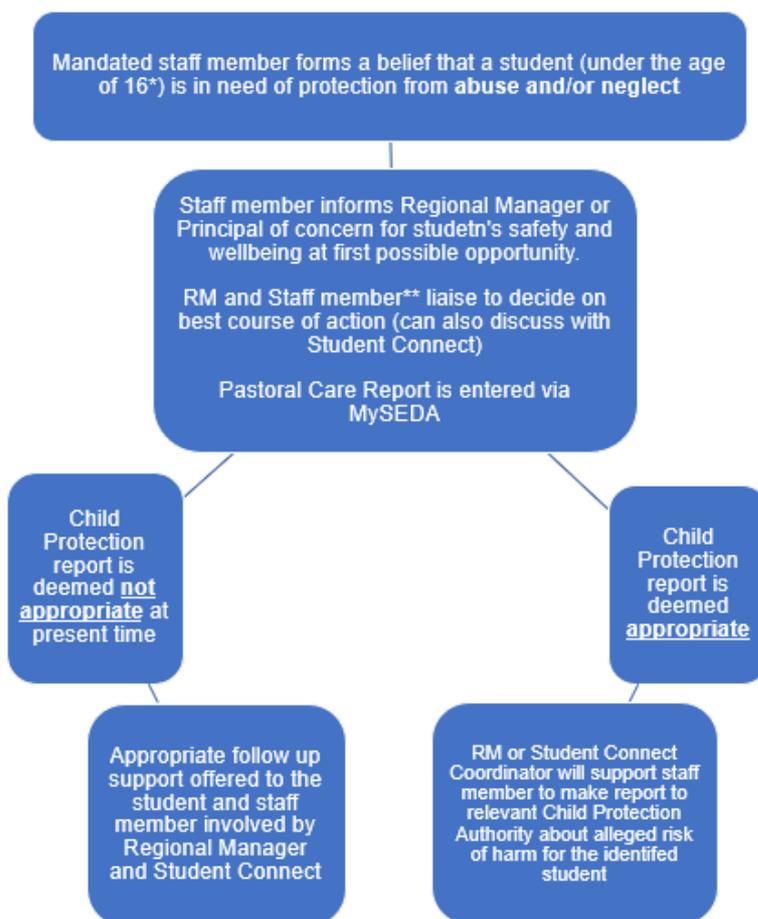
SharePoint Link:

<https://sedacollegesa.sharepoint.com/:b/s/SEDACollegeSA/EX0L9cnEyJVEjuYBrR9w6PABqct1JZuiB1Ae8m7RjjG3Q?e=GnG4Pi>

MySEDA Link:

<https://schoolbox.sedacollege.sa.edu.au/send.php?id=1147>

### SEDA College SA's Mandatory Reporting Flowchart



\* If the student is 16 years of age or older a report can be made to the Police if there is a belief that they are at significant risk of harm.

\*\* If the staff member has a different view from the Regional Manager (or any other staff member including the Principal) about making a report and the staff member continues to hold the belief that a child is in need of protections, that person is still obliged to make a report to the relevant Child Protection Authority. That person is also required to make the report on each occasion they form a belief.

## Appendix 5: SCSA's Incident Report Form

Copied from 'SCSA - Child Protection Code of Conduct Guidelines and Reporting Forms v1.0'

SharePoint Link:

<https://sedacollegesa.sharepoint.com/:b/s/SEDACollegeSA/EX0L9cnEyJVEjuYBrR9w6PABqct1JZuiB1Ae8m7RijjG3Q?e=GnG4Pi>

MySEDA Link:

<https://schoolbox.sedacollege.sa.edu.au/send.php?id=1147>

### Incident Report Form

All Incident Report Forms must be stored securely					
Date of incident					
Time of incident					
Location of incident					
Name(s) of child/children involved					
Name(s) of staff/volunteer involved					
IF YOU BELIEVE A CHILD IS AT IMMEDIATE RISK OF ABUSE – PHONE 000					
Does the child identify as Aboriginal or Torres Strait Islander? <i>(Mark with an 'X' as applicable)</i>	<table border="1"> <tr> <td>NO</td> <td>YES – Aboriginal</td> <td>YES – Torres Strait Islander</td> <td>UNSURE</td> </tr> </table>	NO	YES – Aboriginal	YES – Torres Strait Islander	UNSURE
NO	YES – Aboriginal	YES – Torres Strait Islander	UNSURE		
Please categorise the incident: <i>(Tick all that apply)</i>	Physical Violence				
	Sexual Offence				
	Serious Emotional or Psychological Abuse				
	Serious Neglect				
Please describe the incident					
When did it take place?					
Who was involved?					
What did you see?					
Other information					

Parent/Carer/Child Use			
Date of incident			
Time of incident			
Location of incident			
Name(s) of child/children involved?			
Name(s) of staff/volunteers involved?			
Office Use			
Date incident report received?			
Staff Member managing incident?			
Follow Up Date			
Incident Reference Number?			
Has the incident been reported?			
Child Protection			
Police			
Another Third Party <i>(please specify):</i>			
Incident reporter wishes to remain anonymous? <i>(circle as applicable)</i>	<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO		