



# Child Protection Policy

## Version 3.0

### 1. Purpose

- 1.1. This policy enables Encounter Youth Inc. to create a safe environment for children and young people who are treated by, or come into contact with, EY workers according to the requirements of the *Children and Young People (Safety) Act 2017 (SA)*.

### 2. Scope

- 2.1. This policy applies to:
- all EY management and board members
  - all leaders, workers, staff, and volunteers of EY (paid or voluntary)
  - contractors as per Appendix F only

### 3. Definitions used in this Policy

<b>CARL</b>	Child Abuse Report Line
<b>Child/Young Person</b>	In line with the Children and Young People (Safety) Act 2017 (SA), a child/young person is a person under the age of 18 years of age
<b>CPS</b>	Child Protection Solutions, Child protection consultants based in Adelaide, South Australia
<b>DCP</b>	South Australian Department for Child Protection
<b>DHS</b>	South Australian Department for Human Services
<b>EY</b>	Encounter Youth Inc.
<b>EY CEO</b>	Encounter Youth Inc. Chief Executive Officer
<b>Leader</b>	Those who have oversight, supervision or key leadership responsibilities. Paid or voluntary.
<b>Staff</b>	A person in paid employment, performing any role with Encounter Youth Inc.
<b>Volunteer</b>	Unpaid persons performing any role with Encounter Youth Inc.
<b>Worker</b>	Refers to anyone defined as a leader, staff, or a volunteer throughout this policy, as well as EY management and board members.

### 4. Policy Statement

- 4.1. All children and young people without exception have the right to feel and be safe at all times. This policy and set of clearly defined procedures have been developed for the protection of children/young people who come under the care of members of EY, in accordance with the Child Protection Code of Conduct.
- 4.2. EY understands its responsibility and requires that all matters be responded to in line with the procedures set down in this document. Under no circumstances will EY tolerate the abuse or exploitation of children in any form, the protection of offenders, or the cover-up of suspected or known cases of child abuse.
- 4.3. This policy specifically relates to standards and procedures in relation to reporting and responding to known or suspected cases of child abuse and neglect. Child protection and awareness is an extremely complex field, and as a result, this document does not contain detailed information relating to the specific identification of, and understanding of abuse. In some cases, it provides a brief overview, however, EY is committed to providing specialist, high-quality child protection/awareness training to all EY staff and volunteers who are identified as mandated notifiers under South Australian legislation
- 4.4. Objectives of this policy are:
- To create and maintain an organisational environment that is free from any harassment and exploitation of children and young people
  - To as far as possible protect children by minimising the risk of abuse to children and youth
  - To ensure that all known or suspected cases of child abuse or exploitation are responded to in a professional, consistent and accountable manner

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- To ensure all South Australian child protection legislation including mandatory notification requirements are strictly adhered to

### 4.5. Children and Young People (Safety) Act 2017 (SA)

Part 1 – Reporting of suspicion that child or young person may be at risk

30 – Application of Part

(3) This Part applies to the following persons:

(h) employees of, or volunteers in, an organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children and young people, being a person who –

(i) provides such services directly to children and young people; or

(ii) holds a management position in the organisation the duties of which include direct responsibility for, or direct supervision of, those services to children and young people;

31 – Reporting of suspicion that child or young person may be at risk

(1) A person to whom this Part applies must, if –

(a) the person suspects on reasonable grounds that a child or young person is, or may be, at risk; and

(b) that suspicion was formed in the course of the person's employment, report that suspicion, in accordance with subsection (4), as soon as is reasonably practicable after forming the suspicion.

Maximum penalty \$10,000

(4) A person reports a suspicion under this section by doing 1 or more of the following:

(a) making a telephone notification to a telephone number determined by the Minister for the purposes of this subsection;

**Note –**

This telephone line is currently known as the *Child Abuse Report Line* or *CARL*.

(b) making an electronic notification on an electronic reporting system determined by the Minister for the purposes of this subsection;

### 4.6. Definitions of Child Abuse

#### 4.6.1. Physical Abuse

Physical abuse is any non-accidental act inflicted upon a child which results in physical injury to the child. Such acts may include:

- Hitting, punching, kicking
- Shaking
- Burning, biting, pulling out hair
- Alcohol or other drug administration

#### 4.6.2. Sexual Abuse

Occurs when a person uses power or authority over a child to involve the child in any type of sexual activity for his or her own sexual gratification, stimulation or economic gain and the child's parent or caregiver has not, or is unable to protect the child. Physical force is sometimes involved. Behaviour may include:

- Sexual suggestion
- Exhibitionism, mutual masturbation, oral sex
- Using children in the production of or exposing children to pornographic material
- Penile or other penetration of the genital or anal region
- Child prostitution

#### 4.6.3. Emotional Abuse

Emotional abuse is a chronic attack on a child or young person's self-esteem. It happens when attitudes and behaviours directed at the child undermine and/or erode their self-esteem and social competence, or when the emotional environment is detrimental to or impairs the child's psychological and/or physical development.

Behaviour may include:

- Devaluing
- Ignoring
- Rejecting
- Corrupting
- Isolating
- Terrorizing

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- Domestic violence

### 4.6.4. Domestic Abuse

Domestic violence (also known as family violence) is any behaviour in a domestic relationship, including an intimate partner relationship or a family relationship, which is violent, threatening, coercive or controlling, causing a person to live in fear for their own or someone else's safety. It can include physical, sexual, emotional and psychological abuse.

### 4.6.4. Neglect

Neglect is the failure to provide a child with the basic necessities of life that can occur by deliberate action, or inaction, as well as an inability to understand and provide basic necessities such as food, clothing, shelter, hygiene, medical treatment, and supervision.

Indicators of child abuse in many cases overlap and can interrelate to all forms of abuse and neglect. It is important to note that: the presence of indicators may alert us to the possibility that a child is being abused. An indicator in isolation does not automatically mean that a child is being abused.

## 4.7. Meaning of Harm

- 4.7.1. According to the Children and Young People (Safety) Act 2017, harm is defined as physical or psychological harm (caused by action or omission), including harm caused by sexual, physical, mental or emotional abuse, or neglect.

## 4.8. Meaning of 'at risk'

- 4.8.1. According to the Children and Young People (Safety) Act 2017, a child or young person will be considered at risk if:
- They have suffered harm (being harm of a kind against which they should usually be protected from)
  - They are likely to suffer harm
  - They are likely to be removed from the State for an unlawful purpose (such as female genital mutilation, underage marriage, or other activity illegal in South Australia)
  - Their caregivers are unable or unwilling to care for them, have abandoned them, or are deceased
  - They are persistently absent from school without explanation (when of compulsory school age)
  - They are homeless or of no fixed address

## 5. Procedure

### 5.1. Reporting suspected risk of harm based on reasonable grounds

- 5.1.1. Under mandatory notification legislation, a mandated notifier must make a report to The Department for Child Protection when they suspect on reasonable grounds that a child or young person is, or may be, at risk, and the suspicion has been formed in the course of that person's employment.
- 5.1.2. Suspicion is a state of mind and different from knowledge or belief. It requires more than a guess but does not need to be sufficient to form a belief as to the existence of an event or circumstance. Proof is not necessary, however, there should be a factual basis for the suspicion.
- 5.1.3. A mandated reporter must form a reasonable suspicion alone and doesn't need to be accepted by or discussed with other workers or caregivers. Whilst it may be reasonable to discuss the circumstances in a professional capacity, ultimately, it is up to the individual to be satisfied that they hold a suspicion.
- 5.1.4. It is not the responsibility of or appropriate for a mandated notifier to investigate or make additional enquiries that may have the potential to contaminate or hinder a professional investigation.
- 5.1.5. Reasonable grounds to report a suspicion that a child or young person may be at risk include:
- When a child discloses that they are at risk or have been harmed

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- When a child or adult tells you that he/she knows of a child who is at risk or has been harmed
- When you make observations of a child's behaviour, emotional state and/or injuries leads you to suspect that they are at risk or harm is occurring

### 5.2. Encounter Youth Inc. Reporting/Response Procedures

#### 5.2.1. Where the alleged perpetrator is not working in a position within the EY organisation

- As soon as possible the worker will report the matter to the CARL and be guided by the DCP. If a criminal offence seems likely to have occurred, the CARL child protection/intake officer will, as a matter of protocol, advise SA Police;
- The worker will inform their Leader who will inform the EY CEO as soon as possible;
- It is not appropriate or acceptable for any person to hinder, direct, or demand that a report not be made by the worker;
- As soon as possible, the EY CEO or worker needs to fully document the allegation including the time, place, witnesses and any other pertinent information and complete a child abuse preliminary report form (Appendix B) which will be stored securely by a staff member appointed by the CEO. This report has the potential to be used in court hearings if charges are forthcoming;
- The EY CEO or his/her delegate will brief the EY Board as soon as possible;
- The EY CEO or his/her delegate, the EY worker concerned and any other persons deemed necessary will meet in person or via telephone conference in order to develop and implement response management and support strategies;
- The EY CEO and workers must fully cooperate with investigative authorities at all times;
- The EY CEO or his/her delegate is to ensure that referrals for assistance/professional support services are communicated or made available to all impacted by the alleged incident/s;
- In matters of suspected criminal offences, an alleged perpetrator must not be confronted or advised of the allegations and subsequent report. In these matters the EY CEO or worker should strictly follow the specific directions of either CARL or SA Police;

#### 5.2.2. Where an alleged perpetrator is an EY staff member or worker (paid or voluntary) within the organisation

- As soon as possible the worker will report the matter to the CARL and be guided by the DCP. If a criminal offence seems likely to have occurred, the CARL child protection/intake officer will, as a matter of protocol, advise SA Police;
- The worker will inform their Leader who will inform the EY CEO as soon as possible;
- If the EY CEO or Leader is the suspected perpetrator, the notifier must as soon as possible inform an EY board member;
- It is not appropriate or acceptable for any person to hinder, direct, or demand that a report not be made by the worker;
- As soon as possible, the EY CEO or worker needs to fully document the allegation including the time, place, witnesses and any other pertinent information and complete a child abuse preliminary report form (Appendix B) which will be stored securely by a staff member appointed by the CEO. If the suspected perpetrator is the EY CEO, the report should be stored with the EY Board. This report has the potential to be used in court hearings if charges are forthcoming;
- The EY CEO or his/her delegate must brief the EY board as soon as possible;
- At an appropriate time having regard to the investigation process and the need to prevent contamination of evidence, if the alleged perpetrator is a paid employee, that person will be stood down with pay, pending the outcome of the investigation. If the perpetrator is not a paid employee, that person will be relieved of their role and responsibility pending the outcome of the investigation;
- EY Board members will meet either in person or via telephone conference in order to develop and implement response management and support strategies;
- The EY Board will ensure that ongoing advice and support is made available to those impacted;
- In non-criminal related matters where the EY CEO or Board can offer direction and support, it may be appropriate for the EY Board to meet with and discuss a particular situation with an alleged perpetrator, family member, or anyone subject to the concerns/allegations;

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- The EY worker must fully cooperate with authorities at all times;

### **5.2.3. Responding to Disclosures**

- When a child makes a disclosure to a worker, that worker will:
  - listen to the child/young person
  - not ask leading questions
  - reassure the child that they believe him/her
  - reassure the child that what has happened is not his/her fault
  - reassure the child that telling them was the right thing to do
  - as soon as possible after the disclosure document the child's disclosure
  - use the same terminology as the child when documenting the disclosure
  - not make promises they are unable to keep, such as confidentiality
  - not investigate or look for proof
- In cases where victims who were subject to abuse of a criminal nature at 17 years of age or younger do not disclose abuse until they have reached 18 years of age, they should be immediately referred to, and assisted in making a formal report to the Department for Child Protection and/or SA Police.
- Consideration must be given to the fact that whilst the person making the disclosure may not be at further risk of harm, other children/young people may continue to be at ongoing risk. As a result, those who form the view that this is, or is likely to be, occurring should report the matter with or without the consent of the person making the initial disclosure to CARL.

### **5.2.4. Co-operation with Authorities and Investigations**

- EY directs all workers to fully cooperate with the relevant law enforcement and child protection agencies as well as those persons appointed or engaged to conduct internal investigations at all times.

### **5.2.5. Internal Enquiries**

- In the event that an internal enquiry is required, such enquiries will consider a confidential, impartial and prompt process using the rules of natural justice.
- An enquiry may consist of interviews with witnesses and others as appropriate, the collection of information and documentation or other procedures as appropriate. The individual alleged to have violated this EY policy will have the opportunity to present his or her view of the events.
- EY may engage an independent person/organisation to carry out such enquiries when deemed necessary

### **5.2.6. Media Management**

- As part of EY's absolute commitment to open, accountable and professional responses the only authorised persons to make media comments are:
  - EY CEO
  - EY Board Members
  - EY person/s appointed by the EY CEO

### **5.2.7. EY Child Protection Training Strategy**

- In order to achieve and maintain a high standard of care and protection, to ensure compliance with SA legislation as well as support and protect those who are subject to mandatory reporting legislation, all EY staff and volunteers are expected to attend regular child protection and professional standards training programs arranged and made available by EY. All staff and volunteers will receive information in relation to EY's child protection policy either during their application process or as arranged by the EY CEO or appointed staff member. A copy of this policy will also be made publicly available via the EY website.
- All EY Board members, staff, and leaders must:
  - Undergo an established child protection training program of at least an initial full-day (5-hour minimum) or equivalent customized intensive training seminar and attend an update/refresh training seminar (3 hours minimum) at least every three years thereafter. Training may be sourced through a government accredited "Through Their Eyes" trainer and/or Child Protection Solutions Australia customized training or similar qualified child protection/child safe

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training specialists

- All EY workers must attend annual EY child protection and professional standards training
- Supplementary and additional training opportunities may be offered to staff including advanced or relevant child protection training/education tailored to the needs of the organisation or specific areas of responsibility as appropriate and desired.

### **5.2.8. Risk Management**

- As per the Risk Management Policy, assessments will be made in relation to any risk posed to children relating to the key services provided by EY. When high-risk situations are identified, EY will develop a risk management process or plan that minimizes the risk of such situations occurring. This includes situations which might lead to false, malicious or mistaken accusations of harm.

### **5.2.9. The role of the 'Worker'**

- All EY workers should be both emotionally and spiritually suited to the role to be undertaken. It may be the case that a worker is unsuitable for a particular duty from time to time, in which case this would be respectfully explained, and negotiations made for a limited involvement, or a suitable alternative may be offered.
- Workers must have a clear understanding of their role and specific responsibilities. Once a worker has made a commitment to the role it is expected that undertakings given to perform certain duties will be properly met. If an individual worker is unable to carry out his/her responsibilities on any occasion, the appropriate EY staff member (who has ultimate responsibility) should be immediately informed. Should a worker be unable to perform the duties attached to his/her role on a longer-term basis, the position should be reviewed by agreement with the leader/worker and the relevant EY management

### **5.2.10. Promoting child participation in service development and the complaints process**

- EY encourages and provides opportunities for children to give feedback on EY services and programs. Such feedback mechanisms include feedback forms as well as email, online, and verbal feedback. These avenues for feedback are advertised online. A copy of this policy document is also readily accessible to children and their parents via the EY website.
- EY has procedures in place that allow children to safely and confidentially report complaints and provide feedback to the organisation as per the Human Resource Management policy. Children and their parents are informed of their rights in relation to these procedures through this policy which is readily accessible via the EY website.

### **5.2.11. Transportation**

- EY workers are not permitted to transport young people in private vehicles without permission from the EY CEO or his/her delegate.

### **5.2.12. Moral Wellbeing**

- EY staff and leaders have the responsibility of pre-approving the viewing of certain media materials used in EY programs.
- Every worker is expected to maintain a high moral code. Foul, demeaning, bullying, racist or sexist language is not acceptable, and will not be tolerated by anyone working with EY.

### **5.2.13. Inappropriate Behaviour of a Worker**

- Any person who is concerned about the behaviour of any worker must refer the matter to the EY CEO or their leader for consideration and any intervention which is deemed appropriate.

### **5.2.14. Bullying**

- Bullying is a form of persistent harassment, which demeans, threatens, intimidates or humiliates a person. For any person in leadership to act in such a manner is unacceptable and will not be tolerated.

### **5.2.15. Meetings/Locations**

- To ensure that safety and integrity are maintained for all concerned, workers should always conduct 'one on one' meetings in an area that is private but not isolated. It is not considered wise to meet with an individual child or young person in a secluded/blind area.

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However, should such a need arise, whenever possible and/or appropriate, a third person should be present.

### 5.2.16. Pastoral Care, Counselling, and Supervision

- It is essential that all workers are made aware of the difference between a qualified “counsellor”, and a person providing “pastoral care” support. The term “counsellor” relates to a suitably qualified person.
- Workers should at all times keep their Leader informed of whom they are meeting with, and whom they are providing direction or support to via an ongoing process of supervision.
- Staff, Leaders or Volunteers must not visit young people (under 18 years of age) at home without obtaining both EY and parental/guardian permission. Workers must not visit young people in the home or at isolated locations if no other person is present.

### 5.2.17. Worker Identification

- All workers whilst actively carrying out their appointed responsibilities with young people should at all times be issued with and wear the approved EY identification tag or clothing. This not only identifies accredited workers but communicates a clear message of professionalism and accountability. Identification tags must be worn at all times when rostered.

### 5.2.18. Staff and Worker Screening and Selection Process

- Every worker engaged in child/youth related work must be interviewed, screened and recommended by the leader who has ultimate oversight or management responsibility for that area.
- An important and mandatory part of this process will involve:
  - A planned interview process approved by the employer/delegate
  - Presentation of references
  - The follow up and checking of references and relevant educational qualifications
  - Agreement to undergo a country of origin and DHS child-related employment screening
  - The completion of an employment/organisational application form
  - Acceptance of and signing of the EY Agreement (Appendix C & D)
  - Agreement by the applicant to meet the EY CEO/EY Board if required
- Any person undertaking an EY worker role either full/part-time paid/voluntary must complete an EY agreement/compliance form (Appendix C & D). Applications are then either accepted or rejected via internal assessment procedures.
- It is acknowledged that from time to time additional helpers/contractors are engaged to provide support in relation to special events/activities. It is unrealistic to expect those who fall into this category on a random basis to undergo additional training, however, where possible a DHS child-related employment screening (or a national police clearance current within the last three years) should be obtained. In these instances, an authorised leader/worker must be in attendance and accompany an “unauthorised” person at all times. It is a good practice for EY to think ahead and have a pool of “occasional” helpers suitably trained with a current DHS child-related employment screening.

### 5.2.19. DHS Child-Related Employment Screening

- DHS Child-related employment screening is essential for all workers in a prescribed position at EY.
- Prescribed positions include positions where:
  - The worker has regular contact with children or working in close proximity to children on a regular basis
  - The worker is in a supervising or management role of persons in positions requiring or involving regular contact with children or working in close proximity to children on a regular basis
  - The worker has access to EY records that relate to children
- Current workers’ existing National Police clearance checks will remain valid within a three-year period up until the 30th of June, 2020. Workers with a National Police Clearance must notify EY of any change to their criminal record immediately. New or renewed worker’s child-related employment screening must be obtained through DHS. DHS child-related

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employment screening must be obtained prior to an appointment and then at least every three years thereafter.

- If criminal offences or breaches of ethical standards of any kind are identified in relation to a worker (and depending on the nature of the offence/s), it will remain at the discretion of the organisation's management to permit individuals to work with the organisation. Depending on the nature of the offences and known background of an individual who is permitted to continue in a particular role, strict conditions may be applied to that role. Sexual abuse related offences will generally preclude any person from having any role within an EY related organisation. (See the Child Sex Offenders Registration Act 2006 for those persons prohibited from working with children because of serious offences against children).
- As of July 1, 2019, South Australian legislation will require people working or volunteering with children to have a valid Working with Children Check (WWCC) which will be issued by the DHS Screening Unit. These checks will remain valid for a period of five years. Existing National Police Clearances will remain valid until the 30th of June, 2020. DHS Child-related employment screening for EY workers will remain valid until their three-year expiry date at which time they must be replaced with a WWCC.
- The EY CEO will appoint a person to manage the oversight of this process, including the safe storage of records. (See Criminal History Assessment Register Appendix E)
- If any worker or pending staff/volunteer refuses to undergo the required screening processes, they must not be appointed to the position that requires them to undergo such screening.

### 5.2.20. Procedural Fairness and Records Management

- EY requires procedural fairness throughout the assessment and decision-making process. The decision to employ or retain the employment of a person with recorded prior convictions should be thorough, justifiable and transparent.
- All employees, potential employees, workers or contractors must be provided with the opportunity to:
  - Confirm their identity
  - Confirm the accuracy of any criminal history report or dispute its contents
- All EY workers will ensure that information obtained through screening processes is protected and kept confidentiality stored, with safeguards put in place to protect against loss, unauthorised access, modification, disclosure or any other kind of misuse. EY will maintain a Criminal History Assessment register (Appendix E).
- Further information regarding rules and requirements in relation to standards for dealing with information obtained about a person's criminal history can be found at <https://www.education.sa.gov.au/child-protection/child-safe-environments/how-conduct-relevant-history-assessment>

### 5.2.21. Child and Young People 'Workers'

- All workers who undertake appointed roles with children and young people as a staff member or volunteer must recognise that they are placed in a position of privilege, trust, and responsibility. To the extent that it is reasonably possible, a child has the right to expect to feel and be safe at all times.
- Workers are required to act reasonably and to actively determine to minimise the likelihood of physical injury, emotional harm, damage or loss in their interactions with children and young people. In addition, a worker should make every reasonable effort to avoid acting, or failing to act, in any way that unreasonably frightens or intimidates a child or young person or jeopardises a child or young person's physical or emotional safety and well-being.
- With this in mind, workers must be guided by and implement the procedures and guidelines presented in this document which help to ensure the safety of the children who are placed into EY's care and also assist workers to provide a high standard of care.

### 5.2.22. Responding to Abuse

- EY will not tolerate the abuse of children and directs all workers (paid, voluntary, full or part-time) to at all times report suspected or known cases of child maltreatment.
- Section 30 of the Children and Young People (Safety) Act clearly identifies individuals who are required by law to report suspected or known abuse of children/young people. It is the clear view of EY that even those who may not be "Mandated Notifiers" have a moral and

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ethical responsibility and a “Duty of Care” to at all times report suspected or known cases of child abuse.

## 6. Responsibilities

### 6.1. Compliance, monitoring and review

6.1.1. The EY CEO shall:

- Ensure all operational activities are conducted in accordance with this policy.
- Appoint a person to manage the oversight of the risk management process, including the safe storage of records.

### 6.2. Reporting

6.2.1. Under mandatory notification legislation, a mandated notifier must make a report to The Department for Child Protection when they suspect on reasonable grounds that a child or young person is, or may be, at risk, and the suspicion has been formed in the course of that person’s employment.

### 6.3. Records management

6.3.1. All records relevant to administering this policy must be maintained in a recognised EY recordkeeping system.

## 7. Related Legislation and Documents

Chief Executive, Department for Education. (2018). Child Safe Environments: Principles of Good Practice

Chief Executive, Department for Education. (2018). Child Safe Environments: Standards for dealing with information about a person’s criminal history as part of a relevant history assessment

Children and Young People (Safety) Act 2017

Children’s Protection Act 1993

How to conduct a relevant history assessment | Department for Education. (2019). Retrieved from <https://www.education.sa.gov.au/child-protection/child-safe-environments/how-conduct-relevant-history-assessment>

NCCD. (2018). Mandatory Reporting Guide [Ebook] (1st ed.). Department for Child Protection

## 8. Feedback

8.1. Feedback may be provided about this document by emailing [eysecretary@encounteryouth.com.au](mailto:eysecretary@encounteryouth.com.au)

## 9. Approval and Review Details

**Approved by Board:** 11 July 2019

**Review Date:** 11 April 2022

**Amendments:** Version 1.0 approved 31 July 2013  
Version 2.0 approved 11 April 2019  
Version 3.0 approved 11 July 2019

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### APPENDIX A – SOUTH AUSTRALIAN LEGISLATION

The main statutory provisions which create and describe the obligation to report a reasonable suspicion that a Child is, or may be, at risk are set out below and taken from the Children and Young People (Safety) Act 2017.

#### 16—Interpretation

(1) In this Act, unless the contrary intention appears — *child or young person* means a person who is under 18 years of age;

#### 17—Meaning of *harm*

(1) For the purposes of this Act, a reference to *harm* will be taken to be a reference to physical harm or psychological harm (whether caused by an act or omission) and, without limiting the generality of this subsection, includes such harm caused by sexual, physical, mental or emotional abuse or neglect.

(2) In this section— *psychological harm* does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life.

#### 18—Meaning of *at risk*

(1) For the purposes of this Act, a child or young person will be taken to be *at risk* if—

(a) the child or young person has suffered harm (being harm of a kind against which a child or young person is ordinarily protected); or

(b) there is a likelihood that the child or young person will suffer harm (being harm of a kind against which a child or young person is ordinarily protected); or

(c) there is a likelihood that the child or young person will be removed from the State (whether by their parent or guardian or by some other person) for the purpose of—

(i) being subjected to a medical or other procedure that would be unlawful if performed in this State (including, to avoid doubt, female genital mutilation); or

(ii) taking part in a marriage ceremony (however described) that would be a void marriage, or would otherwise be an invalid marriage, under the *Marriage Act 1972* of the Commonwealth; or

(iii) enabling the child or young person to take part in an activity, or an action to be taken in respect of the child or young person, that would, if it occurred in this State, constitute an offence against the *Criminal Law Consolidation Act 1935* or the *Criminal Code* of the Commonwealth; or

(d) the parents or guardians of the child or young person—

(i) are unable or unwilling to care for the child or young person; or

(ii) have abandoned the child or young person, or cannot, after reasonable inquiry, be found; or

(iii) are dead; or

(e) the child or young person is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence; or

(f) the child or young person is of no fixed address; or

(g) any other circumstances of a kind prescribed by the regulations exist in relation to the child or young person.

(2) It is immaterial for the purposes of this Act that any conduct referred to in subsection (1) took place wholly or partly outside this State.

(3) In assessing whether there is a likelihood that a child or young person will suffer harm, regard must be had to not only the current circumstances of their care but also the history of their care and the likely cumulative effect on the child or young person of that history.

(4) In this section— *female genital mutilation* means—

(a) clitoridectomy; or

(b) excision of any other part of the female genital organs; or

(c) a procedure to narrow or close the vaginal opening; or

(d) any other mutilation of the female genital organs, but does not include a sexual reassignment procedure or a medical procedure that has a genuine therapeutic purpose; *sexual reassignment procedure* means a surgical procedure to give a female, or a person whose sex is ambivalent, genital characteristics, or ostensible genital characteristics, of a male.

(5) A medical procedure has a genuine therapeutic purpose only if directed at curing or alleviating a physiological disability or physical abnormality.

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### Part 1—Reporting of suspicion that child or young person may be at risk

#### 30—Application of Part

(3) This Part applies to the following persons:

- (a) prescribed health practitioners;
- (b) police officers;
- (c) community corrections officers under the *Correctional Services Act 1982*;
- (d) social leaders;
- (e) ministers of religion;
- (f) employees of, or volunteers in, an organisation formed for religious or spiritual purposes;
- (g) teachers employed as such in a school (within the meaning of the *Education and Early Childhood Services (Registration and Standards) Act 2011*) or a pre-school or kindergarten;
- (h) employees of, or volunteers in, an organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children and young people, being a person who—
  - (i) provides such services directly to children and young people; or
  - (ii) holds a management position in the organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children and young people;
- (i) any other person of a class prescribed by the regulations for the purposes of this subsection.

#### 31—Reporting of suspicion that child or young person may be at risk

(1) A person to whom this Part applies must, if—

- (a) the person suspects on reasonable grounds that a child or young person is, or may be, at risk; and
- (b) that suspicion was formed in the course of the person's employment, report that suspicion, in accordance with subsection (4), as soon as is reasonably practicable after forming the suspicion.

Maximum penalty: \$10 000.

(2) However, a person need not report a suspicion under subsection (1)—

- (a) if the person believes on reasonable grounds that another person has reported the matter in accordance with that subsection; or
- (b) if the person's suspicion was due solely to having been informed of the circumstances that gave rise to the suspicion by a police officer or child protection officer acting in the course of their official duties; or
- (c) in any other circumstances prescribed by the regulations for the purposes of this subsection.

(3) A person to whom this Part applies may (but need not), if—

- (a) the person suspects on reasonable grounds that the physical or psychological development of an unborn child is at risk (whether due to an act or omission of the mother or otherwise); and
- (b) that suspicion was formed in the course of the person's employment,
- (c) report that suspicion in accordance with subsection (4).

(4) A person reports a suspicion under this section by doing 1 or more of the following:

- (a) making a telephone notification to a telephone number determined by the Minister for the purposes of this subsection;

#### Note—

This telephone line is currently known as the *Child Abuse Report Line* or *CARL*.

- (b) making an electronic notification on an electronic reporting system determined by the Minister for the purposes of this subsection;
- (c) by reporting their suspicion to a person of a class, or occupying a position of a class, specified by the Minister by notice in the Gazette;
- (d) reporting their suspicion in any other manner set out in the regulations for the purposes of this paragraph,

and, in each case, providing—

- (e) —
  - (i) in the case of an unborn child—the name and address (if known) of the mother of the unborn child; or
  - (ii) in any other case—the name and address (if known) of the child or young person; and
- (f) information setting out the grounds for the person's suspicion; and

### **Child Protection Policy 3.0**

(g) such other information as the person may wish to provide in relation to their suspicion.

#### **163—Protection of identity of persons who report to or notify Department**

(1) A person who, in the course of the administration, operation or enforcement of this Act, receives a report or notification that a child or young person may be at risk, or who otherwise becomes aware of the identity of a person who has made such a report or notification, must not disclose the identity of the person who made the report or notification to any other person unless the disclosure—

- (a) is made with the consent of the person who gave the notification; or
- (b) is made by way of evidence adduced in accordance with subsections (2) and (3); or
- (c) is otherwise authorised by the regulations.

Maximum penalty: \$10 000

Source:  
National Council on Crime and Delinquency (NCCD)  
Mandatory Reporting Guide, South Australia  
**24 HOUR CHILD ABUSE REPORT LINE (CARL) 13 14 78**

## Child Protection Policy 3.0

### Appendix B Child Abuse/Neglect Preliminary Report Form (Example)



In accordance with the Encounter Youth Inc. Child Protection Policy, all incidents of identified child abuse, or suspected child abuse are to be reported directly to the Department for Child Protection. Failure to notify suspected abuse or neglect is an offence under the Children and Young People (Safety) Act 2017 and carries a maximum penalty of a \$10,000 fine. The person reporting the incident should take comprehensive notes of all disclosures, conversations, and observations as soon as possible. The notes should be retained securely for any possible Department for Child Protection or Police Child Protection investigation.

This report form is to be completed as far as possible by the person making the report and dispatched immediately to the EY CEO or in his/her absence, the EY Board.

#### CHILD ABUSE REPORT LINE (CARL): 13 14 78 (24 hours)

Encounter Youth Inc. Office: 8179 0300

Emergency After Hours: Contact your leadership team

#### CHILD ABUSE PRELIMINARY REPORT FORM

Time/Date: \_\_\_\_\_ Name: \_\_\_\_\_

Team/Program: \_\_\_\_\_

Child/young person's name: \_\_\_\_\_ DOB/Age: \_\_\_\_\_

Address: \_\_\_\_\_

Has CARL been notified? Y/N Time/Date: \_\_\_\_\_  
(If "no", reason): \_\_\_\_\_

Disclosure(s) made by the child/young person, observations leading to suspicion of harm, and further information (dot points). Attach another sheet if necessary:

Name of alleged/suspected perpetrator: \_\_\_\_\_ Age (if known): \_\_\_\_\_

EY position held (if relevant): \_\_\_\_\_ Address (if known): \_\_\_\_\_

#### OFFICE USE ONLY

Encounter Youth Inc. CEO: received on Date: \_\_\_\_\_ Time: \_\_\_\_\_

Appendix C Encounter Youth Inc. Agreement (Example)

(Official Copy)



Compliance with Encounter Youth Inc. Code of Conduct for Children/Youth Workers  
(Paid, voluntary, full time or part time)

All those engaged as children or youth leaders or workers or agencies of the Encounter Youth Inc. are expected to have read and understood the Code of Conduct and are expected to comply with that code throughout their ministry. It is a condition of commendation for ministry that children and youth leaders/workers complete and sign this agreement every two years.

Has there ever been any sexual misconduct alleged against you by any person? Yes No

Has there ever been any dishonest or illegal conduct alleged against you by any person? Yes No

Has there ever been any violence or physical abuse alleged against you by any person? Yes No

Have you any prior convictions, cautions or excessive driving offences? Yes No

Is there any other matter of concern that you should declare, which may affect your suitability to be commended as a suitable person for ministry with Encounter Youth Inc? Yes No

If yes to any of the above, provide brief details.....  
.....  
.....

(Attach additional information)

I (Full name)

of

declare that all information submitted by me in this statement is true, to the best of my knowledge. I understand that any significant misstatement in, or omission from, this application or attached documentation may be cause for me not being commended for any position (paid or voluntary) within Encounter Youth Inc.

I further declare that while being employed/engaged as a volunteer/leader or worker within the terms of the Code of Conduct, and Child Protection Policy, I have read and do hereby accept the procedures set out herein. In the event that a complaint is laid against me, I give consent to these procedures being followed. I will cooperate with any investigation that is set up by the CEO of Encounter Youth Inc. in accordance with this document. I will attend and take part in an education process intended to promote these guidelines.

Signature ..... Witness.....

Full name ..... Name.....

Date ..... Address .....

**P o l i c y o n P o l i c i e s 3 . 0**

**Appendix D Encounter Youth Inc. Agreement (Example)**

(Personal Copy)



**Compliance with Encounter Youth Inc. Code of Conduct for Children/Youth Workers  
(Paid, voluntary, full time or part time)**

All those engaged as children or youth leaders or workers or agencies of the Encounter Youth Inc. are expected to have read and understood the Code of Conduct and are expected to comply with that code throughout their ministry. It is a condition of commendation for ministry that children and youth leaders/workers complete and sign this agreement every two years.

Has there ever been any sexual misconduct alleged against you by any person? Yes No

Has there ever been any dishonest or illegal conduct alleged against you by any person? Yes No

Has there ever been any violence or physical abuse alleged against you by any person? Yes No

Have you any prior convictions, cautions or excessive driving offences? Yes No

Is there any other matter of concern that you should declare, which may affect your suitability to be commended as a suitable person for ministry with Encounter Youth Inc? Yes No

If yes to any of the above, provide brief details.....  
.....  
.....

(Attach additional information)

I (Full name)

of

declare that all information submitted by me in this statement is true, to the best of my knowledge. I understand that any significant misstatement in, or omission from, this application or attached documentation may be cause for me not being commended for any position (paid or voluntary) within Encounter Youth Inc.

I further declare that while being employed/engaged as a volunteer/leader or worker within the terms of the Code of Conduct, and Child Protection Policy, I have read and do hereby accept the procedures set out herein. In the event that a complaint is laid against me, I give consent to these procedures being followed. I will cooperate with any investigation that is set up by the CEO of Encounter Youth Inc. in accordance with this document. I will attend and take part in an education process intended to promote these guidelines.

Signature ..... Witness.....

Full name ..... Name.....

Date ..... Address .....



## **P o l i c y o n P o l i c i e s 3 . 0**

### **Appendix F Contractors**

EY employs various contractors from time to time and expects them to comply with all relevant legislation. In addition, contractors determined by the EY CEO to be likely to come into direct contact with children and young people will be required to provide child-related employment screening (see 2.12) prior to commencing work and will have the following provisions included in their contracts:

We are aware that Encounter Youth Inc. is an organisation that works with children and young people (persons under 18 years) and therefore has an obligation to provide a Child Safe Environment

We agree to abide by all our legal obligations regarding the provision of a Child Safe Environment

We are aware that Encounter Youth Inc. has a Child Safe Policy which is available on request

# Policy on Policies 3.0

## Appendix G Acknowledgements & Disclaimer

These policies developed by CPS for Encounter Youth, South Australia have in part originated from the CPS extensive database of previously developed policies. It is important from a legal and moral perspective to acknowledge a range of organisational policies that have been studied and referred to in part, in order to ensure the highest quality and up to date documents.

CPS give permission to other Christian based organisations to refer to, and include components of CPS policies, however, stress the importance for organisations/churches to engage professional consultants to examine and research the specific needs organisations/churches, and develop policies that meet the unique needs of each and every organisation/church. It is dangerous practice to simply source a policy and transfer it in its entirety to another organisation/church.

### PLEASE NOTE:

The churches affiliated with Encounter Youth are each separate legal entities responsible for their own policies and procedures. These guidelines should not be used as a substitute for each church satisfying itself that all reasonable steps have been taken to create and maintain a safe environment for children.

Encounter Youth recognises the fact that some processes in relation to this policy are dependent on individual church resources and circumstances, which may be unique to that church.

Individuals who agree to the guidelines, do so accepting the spirit in which the policy is written, and the "intent" to create and maintain a safe environment.

Where a process may not work due to the dynamics of a particular situation, the intent must not be to ignore it but develop and implement a policy and process that address the issue in such a way that it becomes an accountable and viable process.

### CPS ACKNOWLEDGE:

*CPS consultants*

*Baptist Churches of South Australia/South Australian Baptist Union – Previous policies*

*Claire Lunnay-Clinical Psychologist*

*Port Moresby/Lae City Missions, PNG*

*Scouting Australia*

*CACET Global*

### DISCLAIMER

**CPS** makes no warranty, express or implied as to the fitness for a particular purpose or assumes any legal liability for the accuracy or usefulness of any information carried under this material. Any consequential loss or damage suffered as a result of reliance on this information is the sole responsibility of the user. Every effort has been made to ensure that the information provided in the documents is accurate and current. Every effort has been made to acknowledge sources of information where possible. **CPS** cannot take responsibility for the way in which any of its materials are used.

**CPS** does not provide industrial services to employees or employers nor do we provide legal advice.

All information should be carefully checked to ensure that it is correct before taking action that could lead to legal problems. If in any doubt, seek legal advice on issues, which could harm or bring disrepute to individuals, your organisation, its members or the community at large.

It is recommended that the contents of these documents must be reviewed and amended where necessary. Although **CPS** has been involved in the initial development of this policy, any amendments made after handover are made at the discretion of Encounter Youth.

Any reference to any specific product, process or service by provider manufacturer or distributor does not constitute or imply its endorsement or recommendation by **CPS**.

The use of any information on this service creates no legal obligation, affiliation or association with **CPS** or with third parties arising as a consequence of using information provided by these documents.

# Policy on Policies 3.0

## Appendix H CHILD PROTECTION CODE OF CONDUCT

### Introduction

The Encounter Youth Inc. Child Protection Code of Conduct applies to all management and workers (paid or voluntary) staff members, volunteers and contractors within the Scope of the Child Protection Policy. Its purpose is to set out the standards of conduct and behaviour expected by Encounter Youth Inc. in order to protect children/young people.

### General obligations

I agree and understand that these obligations apply:

while I am working for Encounter Youth Inc. or engaged in activities funded by Encounter Youth Inc. or when publicly displaying a connection to Encounter Youth Inc. (for example, wearing a t-shirt);

#### I WILL:

- treat children/young people with respect regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;
- not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- not engage a child/young person in any form of unlawful sexual activity or acts, including paying for sexual services or acts;
- ensure wherever possible, that another adult is present when working in the proximity of children/young people;
- not sleep close to children/young people unless it is absolutely necessary in which case I will keep my supervisor/manager or the EY CEO and/or his/her delegate informed and ensure another adult is present, where possible;
- not spend time alone with children/young people who are unrelated to me outside work hours unless I live and work in the same community and come together with those children in the context of my family, social and community life. In this situation, I will continue to be a positive role model and mentor for those children/young people and not discuss private/confidential information concerning them;
- use any computers, mobile phones, video and digital cameras or social media appropriately, and never to exploit or harass children/young people or to access child exploitation material through any medium (see also 'Filming and photographing children/young people and use of children's images for work related purposes', below);
- not use physical punishment on children/young people or place them at significant risk of injury;
- immediately report concerns or allegations of child abuse and exploitation in accordance with the EY Child Protection Policy or this Code of Conduct and any relevant legislative reporting requirements and;
- immediately disclose all charges, convictions and outcomes of an offence, which occurred before or occurs during my association with EY that relate to child exploitation or abuse.

### Filming and photographing children and use of children's images for work related purposes

I further agree that, while working with EY or engaged in EY activities, and when photographing or filming a child/young person or using children's images for work-related purposes, I must:

- before photographing or filming a child/young person, assess and endeavour to comply with local traditions or restrictions for reproducing personal images;
- before photographing or filming a child/young person, obtain informed consent from the child/young person and a parent or guardian of the child/young person, and wherever possible, obtain written permission together with a verbal briefing about where and how the photograph or film will be used;
- ensure photographs, films, videos and DVDs present children/young people in a dignified and respectful manner and not in a vulnerable or submissive manner. Children/young people should be adequately clothed and not in poses that could be seen as sexually suggestive;
- ensure images are honest representations of the context and the facts; and
- ensure the file labels, meta data or text descriptions do not reveal identifying information about a child/young person when sending images electronically or publishing images in any form.

## **P o l i c y o n P o l i c i e s 3 . 0**

### **Acknowledgements**

I understand that the onus is on me, as a person associated with EY, to use common sense and avoid actions or behaviours that could be construed as child exploitation or child abuse.

I also understand that any breach of the Policy or the Child Protection Code of Conduct is a violation of my obligations and may lead to disciplinary action up to and including dismissal, termination of services, termination of EY membership, legal action, and/or criminal investigation and prosecution.

Signature:

Name:

Date: