

Encounter
Youth Inc.

Safeguarding
POLICY

Safeguarding Children and
Young People



**ENCOUNTER
YOUTH**





SECTION 1:

Safeguarding Children and Young People Policy

SECTION 2

Safeguarding Procedural Matters

Purpose

The intention of this policy is to ensure that protective practices for young people, young people (under 18 years of age) and families are implemented by Encounter Youth (EY) to keep them safe (inclusive of cultural safety) from deliberate or inadvertent risk of harm and provide them with an understanding of such protective practices. This policy provides all EY personnel with an understanding of their responsibilities to keep Children and Young People safe, while fostering a culture of openness and respect of cultural diversity, recognising that all young people have a right to be safe from harm, regardless of age, culture, religion, gender, sexuality, identity, or disability. It also sets out the responsibilities of all workers across EY.

Context

This policy represents the position of EY as a prescribed organisation as defined in the *Children and Young People (Safety) Act 2017 (Chapter 8, s114(7), and Chapter 5)* and the duty EY and associated organisational personnel have to ensure Children and Young People are kept safe from harm.

Policy Number	1/22
Applies to	All EY workers
Issued by	EY Inc
Delegated Authority	EY Chief Executive Officer
Policy Custodian	EY Board
Version Implementation	December 2022
Version Approval	December 2022
Review Date	December 2025
Confidentiality	Official

Safeguarding Children and Young People Policy

Policy in place:

The Chief Executive Officer will serve the Board process to ensure that up to date policies and procedures regarding child safe environments and mandatory reporting are in place.

Policy Communication:

This policy will be communicated across the EY community, for dissemination through the communication networks, online services, and promoted through the EY Safeguarding Officer.

Policy Review:

The Children and Young People (Safety) Act 2017 requires a review of policies and procedures at least once in a 5-year period. EY will review this policy every three years and on a needs basis to respond to any identified risks. The EY Board will be responsible for initiating this process.

The EY Board will lodge a new child safe environments compliance statement after each review.

Policy Scope:

All workers of EY involved in governance oversight and direct service to Children and Young People across all settings and activities are expected to comply with this policy and associated procedures.

This policy stands in direct relation to the Code of Conduct – Safeguarding Children and Young People.

Policy Approval:

This policy was approved by the EY Board and adopted for use by EY on 8/12/2022.

Policy Communication

This Policy will be regularly communicated to the staff and young people. This will happen through:

- an abbreviated version in the EY Office
- reference to the policy in relevant public information resources
- updates when appropriate through the E-Newsletter and Staff sessions. Applications, and inductions.
- EY Website



**ENCOUNTER
YOUTH**



SECTION 1:

Safeguarding Children and Young People

Policy

CONTENTS

1.	Definitions	1
2.	Preamble	2
3.	General Principles.....	3
4.	Mandatory reporting.....	4
5.	Involvement of perpetrators of harm	5
6.	Co-operation with authorities.....	5
7.	Interim measures pending determination of allegations of harm.....	5
8.	Training.....	6
9.	Volunteer agreements	6
10.	Manual of procedures	6
11.	Code of Conduct for Young People	6
12.	Code of Conduct – Safeguarding Young People.....	6
13.	Review of policies	6

1. Definitions:

This policy uses many of the definitions from the *Children and Young People (Safety) Act 2017*.

At Risk

is defined by the Children and Young People (Safety) Act 2017.

A child or young person will be taken to be at risk if:

- They have suffered harm (of a kind against which they should have ordinarily been protected).
- There is a likelihood they will suffer harm.
- There is a likelihood they will be removed from the State for the purpose:
 - Of a medical procedure that would be unlawful in South Australia (including female genital mutilation)
 - Taking part in a marriage that would be void or invalid under the Marriage Act 1972
 - Taking part in an activity that would be illegal in South Australia
- Their parent/s or guardian/s are unable or unwilling to care for them, have abandoned them, cannot be found or are dead.
- They are of compulsory school age and are persistently absent from school without explanation.
- They are homeless or of no fixed address.

Child / Children / Young person / Young people

are persons under the age of 18 years as defined by *s16(1) Children and Young People (Safety) Act 2017*. Any reference to child or children in this policy also refers to children and young people up to the age of 18. Generally, this document will use 'young people' or 'young person/s' as all-encompassing terms.

CYPSA

is the Children and Young People (Safety) Act 2017 which relates to creating child or young person safe environments.

Employer

is Encounter Youth Inc. which employs or engages the worker.

EY

is Encounter Youth Inc.

Harm

is defined by the CYPSA as physical or psychological harm (whether caused by an act or omission), including harm caused by sexual, physical, mental or emotional harm, abuse or neglect.

Mandatory reporting

is an obligation upon all EY workers to report a reasonable suspicion a child/young person is, or may be, at risk of harm, in accordance with s30 & 31 CYPSA.

Victim

is a child/young person who is reasonably suspected of being subjected to harm or is at risk of harm.

Worker

is all Staff, Board of Governance members, volunteers, or any other person paid or unpaid who is involved in the oversight and/or direct service of the organisation to young people.

2. Preamble

Encounter Youth Inc. (EY) is the largest provider of alcohol & other drug education to South Australian secondary students, educating over 22,000 young people, parents and teachers each year. Along with the 'schoolies' operation which has become Australia's safest school leavers celebration, and the 'Hindley Street' program where Green Team volunteers offering a safe presence, EY aims to alert, inform, and empower young people to bring about safer, more meaningful celebrations. In all EY services a harm minimisation approach is adopted where students are encouraged to 'look after themselves and their mates'. Our program aims to reduce and prevent alcohol and other drug-related harm among young people.

The objects of this policy are to protect as far as possible such young people from being at risk of harm or likely harm, and to ensure their safety and wellbeing while they are served by EY or take part in activities authorised by the organisation.

Under no circumstances will EY tolerate the harm or exploitation of young people in any form, the protection of offenders, or the cover-up of suspected or known cases of child/young person harm. We acknowledge our duty of care to provide a safe and caring environment, where young people can develop and reach their full God-intended potential, and therefore require that all matters be responded to in line with the procedures set down in this document.

Protection for young people: Child Safe Environments

This Policy framework seeks to meet legislative requirements as outlined in the Children and Young People (Safety) Act 2017, the Child Safety (Prohibited Persons) Act 2016, and accords with the belief that all people, created in the image of God, should be treated with dignity, respect, compassion, and justice. It aligns with the National Principles for child safe organisations, (a set of 10 national child/young person safe standards arising out of the Royal Commission into Institutional Responses to Child Sexual Abuse) which were implemented in South Australia from 1 July 2021 and are underpinned by the United Nations Convention on the Rights of the Child.

These principles and standards affirm that every child and young person has a right to be always safe from harm. It is recognised that the wellbeing and best interests of Children and Young People are the responsibility of the entire EY community who must act to ensure that every environment where Children and Young People are present is safe.

The focus of a child safe organisation is not simply to create an environment that minimises risk or danger. It is about building environments which are both child-safe and child-friendly, where all young people feel respected, valued and encouraged to reach their full potential.

Child protection legislation in South Australia contains obligations for people who work or volunteer with young people, towards this goal of ensuring that all young people are safe from harm and are cared for in a way that allows them to reach their full potential.

Accordingly, In alignment with SA State legislation and the National Principles, EY is committed to giving due attention to:

- a. the safety and protection of Children and Young People
- b. how workers recognise and respond to suspicions a young person is at risk of harm
- c. standards of care for ensuring the safety of Young People including standards for addressing bullying and harassment within EY
- d. codes of conduct for workers within EY
- e. standards of care for workers that reflect EY's duty of care to Young People

This policy affirms that:

- 2.1 The safety and wellbeing of young people is to be the paramount consideration insofar as it is within the power of EY to promote it
- 2.2 Young people are to be protected from any form of harm or risk of harm
- 2.3 In dealing with harm to young people, EY is to put the interests of victims and young people above those of the organisation.

3. General Principles

- 3.1 The principles and philosophy that underpin child safety in Australia are based on the United Nations Convention on the Rights of the Child which emphasise that:
 - a. all young people have equal rights to protection from abuse and neglect
 - b. all young people should be encouraged to fulfil their potential and inequalities should be challenged
 - c. all young people should be encouraged to participate fully in a cultural and artistic life and appropriate and equal opportunities should be provided for cultural, artistic, recreational and leisure activity
 - d. everybody has a responsibility to support the care and protection of young people
 - e. organisations shall take all appropriate legislative, administrative, social, and educational measures to protect young people from all forms of abuse, neglect or negligent treatment, while in their care
 - f. organisations have a duty of care to young people with whom they work and with whom their agents, contractors, and sub-contractors' work
 - g. if organisations work through partners (such as contractors, subcontractors, or agents), they have a responsibility to meet minimum standards of protection for the young people in their partners' programs.
- 3.2 We see such a commitment as flowing naturally from our vision and mission to operate according to Biblical, Christian principles for living, and to recognise the unique value and potential of every person, regardless of age, culture, religion, gender, sexuality, identity or disability.

4. Mandatory reporting

An obligation rests upon all EY workers to report a reasonable suspicion a child/young person is, or may be, at risk of harm, in accordance with s30 & 31 CYP SA.

All Workers including those persons who comprise the Governance oversight of EY are recognised as mandatory reporters and therefore are expected to comply fully with their obligations of mandatory reporting under the CYP SA.

In addition to the requirements of mandatory reporting, all workers must also comply with the reforms under the Statutes Amendment (Child Sexual Abuse) Act 2021, which changed the Criminal Law (Consolidation) Act 1935 in relation to the protection of young people from sexual abuse.

Under these changes, religious institutions have been captured in the definition of an institution under section 64 (Division 11B – Institutional child/young person sexual abuse) of the Criminal Law (Consolidation) Act 1935. This has an impact on all religious institutions with significant penalties for failure to report suspected child/young person sexual abuse (S.64A) and Failure to protect a child/young person from sexual abuse (65).

As a faith-based entity, EY recognises these obligations, alongside meeting the legislative requirements of the Children and Young People (Safety) Act 2017.

A presentation by former Attorney-General the Hon Vickie Chapman MP provides further commentary on the definitions of ‘institution’ and ‘prescribed’
<http://hansardpublic.parliament.sa.gov.au/Pages/HansardResult.aspx#/docid/HANSARD-11-42587>.

Specifically:

***In relation to failure to report suspected child sexual abuse** (Section 64A), penalties apply IF:

- (1) A prescribed person is guilty of an offence if the person knows, suspects or should have suspected that another person (the **abuser**)—
 - (a) has previously engaged in the sexual abuse of a child or young person while an employee of the institution or, if the prescribed person provides out of home care, while also providing out of home care, and—
 - (i) the child is still under the age of 18 years; or
 - (ii) the abuser is still an employee of the institution or another institution or still provides out of home care; or
 - (iii) the sexual abuse occurred during the preceding 10 year period; or
 - (b) is an employee of the institution or, if the prescribed person provides out of home care, is providing out of home care, and is engaging, or is likely to engage, in the sexual abuse of a child/young person,

***In relation to failure to protect a child or young person from sexual abuse** (Section 65A), penalties apply IF:

- (1) the prescribed person knows that there is a substantial risk that another person (the **abuser**) who is also an employee of the institution or, if the prescribed person provides out of home care, who is also a provider of out of home care, will engage in the sexual abuse of a child or young person—

- (a) who is under 17 years of age; or
 - (b) in relation to whom the abuser is in a position of authority; and
- (2) the prescribed person has the power or responsibility to reduce or remove that risk but negligently fails to do so.

Appendix A provides specific excerpts of this legislation.

5. Involvement of perpetrators of harm in EY activities

Where EY knows, believes or reasonably suspects that any person associated with EY is or has been a perpetrator of harm towards young people, it will act to reasonably protect young people from any risk that person might pose in accordance with Section 2 Part A, 5 and 6 of the Procedures contained herein, and having due regard to the provisions of the Child Safety (Prohibited Persons) Act 2016 and the Statutes Amendment (Child Sexual Abuse) Act 2021.

A key aspect of this is to ensure that all people who undertaking young person-related work have undergone a comprehensive screening and suitability assessment prior to their engagement by EY as detailed in the **Procedural Section 2 Part B, Para 8.**

The Child Safety (Prohibited Persons) Act 2016 has established a *working with children check* scheme in South Australia to strengthen and simplify the laws for people working or volunteering with Children and Young People. EY will comply in full with the requirements of this Act.

6. Co-operation with authorities

EY will responsibly and reasonably co-operate with government law enforcement and the Department for Child Protection.

If an EY worker is found to have been involved in a child protection matter or a matter deemed to be misconduct relating to children, then EY recognises its legal obligation to provide this information to the DHS Screening Unit.

7. Interim measures pending determination of allegations of harm

Where a worker is reasonably suspected of perpetrating harm against a young person, their continued role with EY during the period taken to report and gain a final determination of whether that worker is guilty of any offence, is to be determined by an Independent Committee in accordance with **Section 2 Part A Para 5** of the Procedures contained herein.

However, to ensure the safety and protection of young people during this reporting and investigatory stage, the person will not be permitted to work with young people until an outcome is known with no prohibiting reason. It is recognised that even a finding of not guilty may not mean that the person does not pose a risk to young people. Accordingly, such risk will be assessed and satisfied before any further role engagement.

In performing its function, the Interim Measures Committee (IMC) does not serve as an investigatory body but exists only to determine interim measures for engagement of a worker pending any legal investigation.

8. Training

EY staff and volunteers are expected to attend regular child protection and professional standards training programs made available by EY. **Appendix C**

9. Worker Agreement

All workers are to complete a Worker Agreement (**Appendix F**) dealing with their suitability to be workers and agreeing to this Safeguarding Children and Young People policies and procedures.

10. Manual of procedures

EY will publish a manual (contained herein) containing procedures for implementing this Safeguarding policy.

11. Code of Conduct – Safeguarding Young People

Applies to all workers who serve in Young People related services.

A Code of Conduct for all workers who serve young people in EY shall be adopted by EY and signed by all workers and EY shall provide a template (**Appendix G**). This **Code of Conduct** details the standards of conduct expected by workers who serve in the performance of their duties with young people and to provide guidance in areas where there is a need to make personal and ethical decisions.

Any observed **breaches** concerns, issues, or problems relating to the Code of Conduct should be raised and reported to the EY CEO and / or Chief Operating Officer and / or relevant Senior Line managers.

A breach of this Code of Conduct, will in accordance with EY policy and associated HR employment conditions, lead to the implementation of actions which may include, but are not limited to:

- Temporary suspension from duties with or without pay while a decision is reached on the breach.
- Modification of duties.
- Imposition of conditions on any continued employment or involvement in EY activities.
- Requirement of non-communication with young people, or specified persons.
- Suspension of role / employment
- Being reported to the Department for Child Protection or police and charged with a criminal offence.

12. Review of policies

The Children and Young People (Safety) Act 2017 requires a review of policies and procedures at least once in a 5-year period. EY will review this policy every three years and on a needs basis to respond to any identified risks. The EY Board will be responsible for initiating this process.

This policy will be reviewed in December 2025 and the EY Board will lodge a new child safe environments compliance statement after each review.



**ENCOUNTER
YOUTH**



SECTION 2:

Safeguarding PROCEDURAL Matters

- Part A Further definition of “harm”**
- Part B Worker and child/young person safety responsibilities**
- Part C Miscellaneous**

CONTENTS

1.	Preamble.....	1
2.	Definitions	1
PART A FURTHER DEFINITION OF “HARM”		
3.	What is harm?	3
4.	Reporting a suspicion that a child/young person may be at risk	4
5.	General provisions in all cases of suspicion of risk of harm	6
6.	Managing potential perpetrators.....	8
PART B WORKER AND CHILD/YOUNG PERSON SAFETY RESPONSIBILITIES		
7.	Role of Workers	9
8.	Screening and selection processes	9
9.	Working With Children Checks.....	9
10.	Working with Children Checks - Contractors	10
11.	Character Reference Requests	11
12.	Worker identification	11
13.	Punctuality.....	11
14.	Moral wellbeing.....	11
15.	Inappropriate behaviour of a worker	11
16.	Bullying	12
17.	Young person Safety Responsibilities.....	12
18.	Participation of Young people	12
19.	Physical health and safety	13
20.	Risk Management.....	13
21.	Internet Access	14
22.	Initiation/secret ceremonies	14
23.	Meetings/Locations.....	14
24.	Hiring out of organisation facilities to outside groups.....	15
25.	Care/Support/Counselling.....	15
PART C MISCELLANEOUS		
26.	Privacy	15
27.	Communication	15
28.	Workers’ awareness	15
29.	Media Management.....	16

Appendix A	Excerpts South Australian Legislation	17
Appendix B	Risk of Harm Preliminary Report form	24
Appendix C	Child Protection Training Strategy	25
Appendix D	Medical & Health permission – General	26
Appendix E	Medical & Health information – Special Event	27
Appendix F	Worker agreement	28
Appendix G	Code of Conduct for Workers Example.....	29
Appendix H	Working with Children Checks – Exclusions.....	37
Appendix I	Risk Assessment Tool	38
DISCLAIMER	40

1. Preamble

This section sets out specific procedures to give effect to the Safeguarding Children and Young People Policies of the Encounter Youth Inc. in meeting legislative requirements. It also prescribes other good practice procedures that are expected to be applied by the organisation in ensuring a child/young person safe environment.

2. Definitions

Unless the context otherwise requires:

At Risk

is defined by the CYPISA: A child or young person will be taken to be at risk if:

- They have suffered harm or there is a likelihood that they will suffer harm, being harm of a kind against which ordinarily they should have been protected
- There is a likelihood they will be removed from the State for the purpose:
 - Of a medical procedure that would be unlawful in South Australia (including female genital mutilation)
 - Taking part in a marriage that would be void or invalid under the Marriage Act 1972
 - Taking part in an activity that would be illegal in South Australia
- Their parent/s or guardian/s are unable or unwilling to care for them, have abandoned them, cannot be found or are dead
- They are of compulsory organisation age and are persistently absent from organisation without explanation
- They are homeless or of no fixed address

Board

is the constituted body which provides governance oversight to Encounter Youth Inc.

C.A.R.L.

is the Child Abuse Report Line 13 14 78.

CEO

Is the Chief Executive Officer who has been formally appointed by the Board to exercise the Executive oversight of the organisation programs and appointed staff. But where a suspected perpetrator of harm is the CEO or someone closely associated with them, or where the CEO is not readily available, it means the next most Senior Executive Officer or delegate.

Child / Children / Young person / Young people

are persons under the age of 18 years as defined by *s16(1) Children and Young People (Safety) Act 2017*. Any reference to child or children in this policy also refers to children and young people up to the age of 18. Generally, this document will use 'young people' or 'young person/s' as all-encompassing terms.

CPS

is *Child Protection Solutions* – an agency providing high-level training and advice.

Employer

means EY which employs or engages the worker.

EY

is Encounter Youth Inc.

Harm

means physical harm or psychological harm (whether caused by an act or omission) and includes harm caused by sexual, physical, mental or emotional abuse or neglect.

Refer Section 2 Part A Para 3.

IMC

means the Interim Measures Committee set up under paragraph Section 2 Part A Para 5

PSC

is the EY Independent Professional Standards Consultant or delegate.

WHS

is Work Health & Safety.

Worker

is all Staff, Board members, volunteers, or any other person paid or unpaid who is involved in the oversight and/or direct service of the organisation to young people and young persons.

WWCC

is a Current Not Prohibited "Working With Children Check" provided by the Department of Human Services Screening Unit, that has been undertaken within the previous five (5) years.

YSO

is the EY young person Safeguarding Officer: An appointed position to serve as the key contact for child protection matters, and to serve as a liaison point between the PSC and EY.

PART A: FURTHER DEFINITION OF HARM

3. What is harm?

Legislative definition of harm (*s17 Children and Young People (Safety) Act 2017*)

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.

Psychological harm does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life.

The following descriptors relate to the types of harm identified in the CYP SA. While not captured in the CYP SA, spiritual harm and grooming are also included in these descriptors:

- 3.1 **Emotional harm**, meaning: A chronic attitude or behaviour directed at a child/young person whereby a child/young person's self-esteem and social competence is undermined or eroded over time or the creation of an emotional environment which is detrimental to or impairs the child/young person's psychological and/or physical development. Behaviours may include devaluing, ignoring, rejecting, corrupting, isolating, terrorising or family violence.
- 3.2 **Physical harm**, meaning: Any non-accidental act inflicted upon a child/young person, which results in physical injury to the child/young person. Such abuse results from practices such as but not limited to:
 - 3.2.1 Hitting, punching, kicking (indicators: marks from belt buckles, irons, fingers, cigarettes, etc)
 - 3.2.2 Shaking (particularly young babies)
 - 3.2.3 Burning, biting, pulling out hair
 - 3.2.4 Alcohol or other drug administration
- 3.3 **Sexual abuse**, meaning: any sexual behaviour imposed on a child/young person. The child/young person concerned is considered to be unable to alter and/or understand the perpetrator's behaviour due to his or her early stage of development and/or powerlessness in the situation. Sexual abuse occurs when someone in a position of power to the child/young person uses her/his power to involve the child/young person in sexual activity.

Behaviour can include sexual suggestion; exhibitionism, mutual masturbation, oral sex; showing pornographic material e.g., DVDs, internet; using young people in the production of pornographic material; penile or other penetration of the genital or anal region and child/young person prostitution.
- 3.4 **Neglect**, meaning: the failure of a carer to provide a child/young person with the basic necessities of life, and which can occur by deliberate action or inaction, and can stem from an inability to understand and provide basic necessities such as food, clothing, shelter, hygiene, medical treatment and supervision.

- 3.5 **Grooming**, meaning: the deliberate actions of a perpetrator to befriend and influence a child/young person, and possibly also that child/young person's family or community, with the intention of engaging in sexual activity of any kind with that child/young person.
- 3.6 **Spiritual Harm**, meaning the use of spiritual or religious beliefs with the intent to hurt, scare or control children or young people, or not allowing them to participate in spiritual or religious practices that are important to them. As a Christian organisation, EY undertakes to take reasonable care to guard young people against spiritual harm. Young people will be encouraged to explore God's good story and how their story can be brought together and given opportunities to express that through service and celebration experiences. Young people will have the freedom to say 'no' to God's story but are invited to continue exploring its relevance to their lives.

4. Reporting a suspicion that a child or young person may be at risk of harm

- 4.1 Any worker who suspects, on reasonable grounds, that a child/young person is, or may be at risk of harm, and this suspicion is formed in the course of their work, must report this suspicion to C.A.R.L. as soon as practicable
- 4.2 This obligation is placed on all workers by s30 & 31 CYPsA. It is a criminal offence not to comply with this obligation without a lawful excuse. The organisation cannot negate or modify this obligation (refer **Appendix A**).
- 4.3 Reporting to C.A.R.L. is done by telephoning the 24-hour Child Abuse Report Line on 131478. After a report is made, the worker should ensure that the child/young person gains adequate support. This could include:
- referring the child/young person, to a relevant leader
 - referring the child/young person to other appropriate services
 - continuing to provide support to the child/young person and their family and monitoring their circumstances
- 4.4 Reasonable grounds to form a suspicion that a child or young person may be at risk may include but is not limited to:
- 4.4.1 When they tell you they are at risk or have been harmed
- 4.4.2 When your own observations of a particular behaviour and/or injuries lead you to suspect they are at risk or harm is occurring
- 4.4.3 When a child or young person tells you that they know of someone who is at risk or has been harmed (they may possibly be referring to themselves)
- 4.4.4 When you hear about a child or young person at risk from someone who is able to provide reliable information, such as a relative, friend, neighbour or sibling

It does not require proof that any child or young person has or may suffer harm.

- 4.5 Where a report is made to the C.A.R.L., but only if the child/young person and/or the suspected perpetrator of harm is associated with the organisation, the worker must immediately inform the Chief Executive Officer of the incident.

If the concern relates to the Chief Executive Officer, the worker should inform another person in accordance with the Chief Executive Officer definition in 2 above. A written report in the form of **Appendix B** is also to be given by the worker to the Chief Executive Officer or person otherwise designated as soon as practicable.

- 4.6 A worker does not require approval to make a report to C.A.R.L. and must adhere to the reasonable instructions of C.A.R.L. to ensure that all proper processes are followed.
- 4.7 If a worker has any concern about whether the matter meets the threshold for mandatory reporting, they can consult with the CEO on whether a report should be made to C.A.R.L. or they can contact C.A.R.L. to discuss.

Child Protection Reporting Overview

NOTIFICATIONS OF HARM OR LIKELY HARM



WHEN A MANDATED REPORTER OR ANOTHER PERSON HAS REASONABLE SUSPICION A CHILD OR YOUNG PERSON IS AT RISK OF HARM OR LIKELY HARM - CONTACT THE CHILD ABUSE REPORT LINE ON **131 478**



TO REPORT CRIMINAL ABUSE (CHILD SEXUAL ABUSE) UNDER THE STATUTES AMENDMENT (CHILD SEXUAL ABUSE) ACT 2021 - CONTACT SEX CRIMES INVESTIGATION BRANCH (SAPOL) ON **8207 5800**



WHEN YOUNG PEOPLE ARE IN IMMEDIATE DANGER OF HARM CONTACT THE **POLICE ON 000**

In the process of safeguarding Children and Young People, the EY CEO, YSO or delegate will ensure guidance and support of all workers in the process.

They will:

- a) receive the information as valid
- b) check that the Child/young person Abuse Report Line has been notified
- c) consider immediate measures to protect the safety of the alleged victim
- d) ensure that EY does not undertake an investigation whilst the Child Abuse Report Line are responding, or the Police or Department for Child Protection are investigating.

- 4.8 In addition to the requirements of mandatory reporting, all workers must also comply with the reforms under the Statutes Amendment (Child Sexual Abuse) Act 2021, which changed the Criminal Law (Consolidation) Act 1935 in relation to the protection of young people from sexual abuse. Refer this policy, **Section 1 No 4.**

5. General provisions in all cases of suspicion of risk of harm

- 5.1 The PSC (or delegate) is available to provide crisis response and ongoing consultancy, support and direction to workers and EY throughout the entire process. After-hours access to the PSC can be arranged through the Chief Executive Officer or delegate.
- 5.2 A worker is not to inform anyone else of the suspected harm or risk of harm without the permission of the Chief Executive Officer, who in consultation with the PSC will determine who else should be informed of it. (There is a danger of defamation liability against the worker if ultimately an allegation cannot be proved).
- 5.3 Where a worker reasonably suspects a young person is at risk of harm, and is not confident in making the notification, they are to be instructed to report such matters immediately to their supervisor who will then assist the worker to comply with the necessary procedures. Otherwise, the person should make the report directly to C.A.R.L. as soon as possible.
- 5.4 Where there has been a complaint against a worker of perpetrated harm or placing a young person at risk of harm and
 - 1) it is a term of the worker's Employment Contract or Worker agreement; or
 - 2) the parties otherwise so agree

the continued engagement of the worker pending the final legal determination of the allegation is to be decided by the Interim Measures Committee. However, the person will not be permitted to work with young people or supervise workers who do until an outcome is known with no prohibiting reasons. The purpose is to ensure the safety and protection of young people during this reporting and investigatory stage.

- 5.4.1 The IMC is to include three independent persons who are to be professing Christians who are to be appointed by the Chair of EY, or in the event of their unavailability or being conflicted, by the vice-chair or other board member of EY.
- 5.4.2 The functions of the IMC are administrative and not judicial.
- 5.4.3 The IMC may for the period until the final legal determination of the allegation, and having due regard to relevant employee rights / fair practice, and HR employment contracts:
 - 5.4.3.1 Suspend the worker with or without pay
 - 5.4.3.2 Modify the duties of the worker
 - 5.4.3.3 Impose conditions on any continued employment of the worker or on their involvement in the activities of EY
 - 5.4.3.4 Require that the worker not communicate with specified persons
 - 5.4.3.5 Temporarily suspend the employment of the worker while the IMC reaches other decisions; and/or
 - 5.4.3.6 Revoke or modify any decision it has made.
- 5.5 In performing its functions within the bounds of procedural fairness, the IMC is not an investigatory body.

Having regard to this the IMC:

- 5.5.1 Is not bound by the rules of evidence and may inform itself of relevant facts by proper means as it sees fit.
 - 5.5.2 Is to permit the worker or his or her agent to address it.
 - 5.5.3 Is to act with all reasonable expedition.
 - 5.5.4 Is not to make conclusions about disputed facts relating to the alleged harm.
 - 5.5.5 Is as far as practicable to apply the Safeguarding Children and Young People Policy of EY and not allow the implementation of that Policy to be displaced by any presumption of the innocence of the worker.
- 5.6 EY workers will responsibly and reasonably co-operate with government law enforcement and the Department for Child Protection in their investigation and any prosecution of harm.
- 5.7 No workers are to make any statement to the media about any risk of harm or actual harm (either suspected or formally prosecuted) encountered during their engagement with EY and all inquiries about these matters from the media are to be referred to the Chief Executive Officer, who may consult with the PSC (see **Section 2, Part C, paragraph 29**).
- 5.8 Workers are not to make any statements about any risk of harm or actual harm (either suspected or formally prosecuted) encountered in the course of their engagement by EY to any alleged perpetrator or anyone associated with or representing that alleged perpetrator.
- 5.9 Upon receiving any report about risk of harm or actual harm, and a report having been made to C.A.R.L., the Chief Executive Officer should consult with the PSC as soon as practicable about what steps should be taken in respect of it by the organisation.
- 5.10 The CEO is to ensure that all appropriate care/professional support is made available to all persons associated with EY who are impacted by an allegation. This support will align with relevant policies and procedures.
- 5.11 Workers are to be alert to any trauma related behaviours and indicators which may be the result of harm including:
- When a child/young person says that they have been harmed
 - When a child/young person or adult says that they know of a child/young person subject to harm; or
 - Observations of a child/young person's behaviour, change in behaviour, emotional state and/or injuries.

Indicators in many cases overlap and can interrelate to all forms of harm and risk of harm. An indicator in isolation does not automatically mean that a child/young person is being harmed.

Workers should:

- Listen to the young person.
- Not ask leading questions.
- Reassure the young person that you believe them.
- Reassure the young person that what has happened is not their fault.

- Reassure the young person that telling you was the right thing to do.
- Document the young person's disclosure as soon as possible.
- When documenting the disclosure use the same terminology as the young person.
- Not make promises, which cannot be kept, such as confidentiality.
- Reassure the young person that there are people who can help to protect them.

A worker is not an investigator and must not do any detective work. Even if the harm that is disclosed has ceased, reporting it is still necessary to protect other young people from the perpetrator.

- 5.12 Where a person 18 years or over discloses that they were subject to harm while they were a child/young person these procedures do not apply. However, with their permission, the person should be supported to make a formal report to police.

6. Managing potential perpetrators

A child safe organisation is one that creates a culture, adopts strategies, and takes action to promote wellbeing and prevent harm to Children and Young People. As a child safe organisation EY will consciously and systematically create an environment where children and young people's safety and wellbeing is the centre of thought, values, and actions, and create conditions that reduce the likelihood of harm to Children and Young People.

EY recognises that the Child Safety (Prohibited Persons) Act 2016 has specific provisions and associated regulations relating to persons who are prohibited from working with children. EY will regard the safety and protection of EY young people as being paramount and will ensure that such persons are excluded from any engagement in EY child related services.

6.1 A person who

- 6.1.1 is the subject of an unresolved complaint or suspicion of alleged harm to a child/young person; or
 - 6.1.2 is reasonably suspected by EY of having at any time engaged in harming a child/young person or placing a child/young person at risk of harm
- is not to be permitted access at any premises or functions controlled by EY relating to young person services.

The Chief Executive Officer in liaison with EY Senior leaders, will manage implementation of this requirement.

PART B: WORKER AND YOUNG PERSON SAFETY RESPONSIBILITIES

7. Role of Workers

Any person in EY involved in young people related services must:

- Have a current and valid Not Prohibited Working with Children Check conducted by the Department of Human Services (DHS) Screening Unit which is verified by EY.
- Be emotionally and spiritually suited to the role to be undertaken.
- Be properly trained in mandatory reporting / awareness (Refer **Appendix C**).
- Have been selected for their role in work with young people after a proper investigation and screening of their suitability for such work (see para's 8-10 following).
- Have a current written Worker agreement (**Appendix F**)
- Have their performance in such work periodically reviewed.

8. Screening and selection processes

A major form of prevention relates to an appropriate stringent screening and suitability assessment processes. Every worker engaged in young person related services must be interviewed and screened as suitable by the leader relevant to their area of service.

An important part of this process will involve:

- Agreement to undergo a WWCC
- Evidence of a current WWCC which will be verified for accuracy through the EY DHS Screening Unit portal (Sighting an email will not be sufficient)
- An immediate report to the DHS screening unit if certain information becomes known concerning serious criminal offence, child protection information, or disciplinary or misconduct matters relating to children or young people
- The completion of an application form
- A planned and prepared interview process approved by EY leadership
- Presentation of references
- The follow up of referees
- Agreement by the applicant to meet with Chief Executive Officer if required
- An agreement to read and sign that the Safeguarding Children and Young People Policy has been read and accepted. (**Appendix F**)

A recommendation must then be prepared by the worker who has oversight for the area of service and submitted to the Chief Executive Officer or delegate for endorsement/approval.

A panel comprising the Chief Executive Officer, Professional Standards Committee members or (equivalent personnel), may be formed as a part of an accountable recruitment, selection, and appointment team.

9. Working with children checks

To meet the requirements of the Child Safety (Prohibited Persons) Act 2016 all workers, contractors, governance team members, as well as all volunteers over the age of 14 years involved in children and young people related services, must have a current and valid Not Prohibited Working with Children Check (WWCC) issued by the Screening Unit of the Department of Human Services (DHS).

Verification of WWCC's will be done online through the EY Portal accessed via the DHS Screening Unit in accordance with the Child Safety (Prohibited Persons) Act 2016, Section 17(1)(b) and Regulation 11(1).

Due to the high volume of volunteer WWCC's to be verified, this process will be jointly managed by EY Volunteer Management Staff (Programs Director, Project & Volunteer Manager, and Project & Volunteer Coordinator). To ensure management consistency and compliance, a group email is used to keep the communication consistent (applications@encounteryouth.com.au). All staff are to follow the same process for screening.

It is also the responsibility of these EY staff to ensure that all workers obtain a WWCC every 5 years, to verify the WWCC, to ensure appropriate training is undertaken every three years (See Training Strategy - **Appendix C**) and to maintain appropriate records/registers.

Workers who for whatever reason are found to have not undergone a WWCC, are required to immediately do so and cease working with Children and Young People until a Not Prohibited WWCC is obtained and verified through the EY Portal via the DHS Screening Unit.

If any current or pending worker refuses to undergo a WWCC check, they must not be appointed to any child-related position and must be excluded from any programs which involve them working with people under the age of 18 years.

A person waiting for their WWCC may not commence in a worker role until a valid and current 'Not Prohibited' WWCC is obtained and verified by EY.

If a WWCC check determines a person is prohibited, it will remain the discretion of EY to permit individuals to serve within the life of the organisation that does not involve them working with people under the age of 18 years or managing those people who work with people under the age of 18 years. Depending on the nature of other offences, strict conditions may be applied to such an individual attending any EY programs having regard to **Section 2 Part A Para 6** above.

Although a WWCC does not disclose outcomes, where EY becomes aware from any source of sexual abuse related offences, this will preclude that person from having any contact with, or responsibilities in young people related activities, or managing people who work with young people. In some cases, an offender may not be permitted to attend EY program under any circumstances. All mandatory and criminal reporting obligations will be followed in such cases.

Any person undertaking a worker role must complete and sign a worker agreement form which agrees to the WWCC requirement (**Appendix F**).

10. Working with Young people Checks – Contractors

All contractors engaged to carry out work on EY premises where children and young people are present must produce a current and valid WWCC prior to being engaged/employed. The WWCC must be verified through the EY DHS portal process.

Where a contractor is simply delivering an item to an authorised EY worker and will not be engaged in any contact with young people, evidence of a WWCC will not normally be required.

It is acknowledged that from time-to-time additional 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. In these instances, an authorised worker must be in attendance and accompany an “unauthorised” person at all times. However, where possible a Working With Children Check (WWCC) should be obtained and verified.

11. Character Reference Requests

Any worker who is seen to be an organisational representative is not to accept requests to provide a character reference for anyone known to have been charged with a criminal offence.

12. Worker identification

All workers involved in child related services should, whilst actively carrying out their appointed responsibilities, be issued with and wear official identification tags. This not only identifies accredited workers but communicates a clear message of professionalism and accountability. Identification tags must be always worn when rostered.

13. Punctuality

Workers and designated helpers should keep to timetables to the best of their ability. If an activity is running significantly overtime, parents should be notified as soon as possible of the new anticipated time that their young person may arrive at the pre- determined point. If the activity is off- site and a delay has occurred, it may be appropriate to telephone one person who could inform all parents of the circumstances.

14. Moral wellbeing

Workers must ensure that any online streaming, television programs, videos, music, magazines and/or displays shown or used as part of the group’s activities are suitable in content and appropriate to the age group represented, having due regard to Christian values.

While official television and movie ratings should be observed, there will be situations where those in leadership will have the responsibility of approving the viewing of certain material. Every worker is expected to maintain a high moral code. Foul, demeaning, bullying, racist or sexist language is not acceptable, and will not to be tolerated by anyone working with EY.

15. Inappropriate behaviour of a worker

Any person who is concerned about the behaviour of any worker in terms of harm or possible harm as defined under (*s17 Children and Young People (Safety) Act 2017*) and outlined in [Section 2 Part A 3](#), must contact C.A.R.L. first, and then refer the matter to the relevant leader for consideration of what response is deemed appropriate.

As role models for young people, and as ambassadors of Encounter all workers and contractors will meet the following core behavioural expectations:

- treat all people with dignity and respect and without favouritism or discrimination.
- be objective in carrying out organisation procedures, judgements, and reporting
- abide by all Government laws, EY policies, procedures, and guidelines regarding the safety of young people
- promptly report and record all allegations or suspicions of harm in line with this policy
- promptly raise all concerns, issues, and problems with the relevant worker

- perform all tasks with diligence and the highest standards
- maintain professional boundaries, physically and emotionally.
- not establish connections with current young people other than at a professional level, and only use EY endorsed technologies.

All workers and contractors are expected to familiarize themselves with these broad expectations in all interactions with children or young people. Any concerns, issues and problems should be raised with the Chief Executive Officer or relevant Senior Staff.

A more detailed Code of Conduct to be signed by all workers is provided in **Appendix G**.

16. Bullying and harassment

Bullying is a form of persistent harassment, which demeans, threatens, intimidates, or humiliates a person. For any worker to act in such a manner towards a young person is unacceptable and will not be tolerated and must be reported as soon as possible to Chief Executive Officer and / or the Young Person Safeguarding Officer (YSO).

17. Young person Safety Responsibilities

17.1 EY and its workers are to do everything reasonably available to them to promote the physical, emotional, and mental wellbeing and safety of the young people who are involved in the life of EY (“the duty of care”). What is reasonable in a particular situation depends on its circumstances including the nature of the risk of harm to young people and the practicability of the steps needed to eliminate it.

17.2 While no set of detailed rules can be devised which when applied to a particular situation will clearly show what is the applicable duty of care, the paragraphs in this section 2 No 8 to 29 contain some processes that are always prudent to observe.

18. Participation of Young people

18.1 To instil a culture of safety and awareness, young people who attend any regular EY programs will participate in an awareness session of the following, led by the workers who oversee these activities. This will occur at least annually:

The following may serve as a useful guide to areas that should at least be covered:

- 18.1.1 expectations concerning appropriate behaviour by young people and workers
- 18.1.2 when, how, and who to speak to if they feel uncomfortable
- 18.1.3 protective behaviour strategies
- 18.1.4 other rights, responsibilities and expectations in line with the Codes of Conduct and Safeguarding Children and Young People Policy
- 18.1.5 WHS information and procedures applicable to young person related services/programs
- 18.1.6 How to make a complaint or raise a concern over any matter

For each of the above, workers will use consultation methods suited to each group, considering factors such as young people's age, developmental level and cultural backgrounds. It will be important to plan ahead to ensure people have any interpretation support that may be required.

Parents should be notified of the details of such consultations ahead of time and also be made aware that the EY Safeguarding Children and Young People Policies and the Codes of Conduct can be obtained on the EY website.

Whenever there is first contact with a participant and then at least annually, the process for feedback/complaints should be explained to young people and their family/carers

18.2 Information may be provided in a simple hand out and/or on a wall poster about services that can assist young people, young people and their families (such as the Kids Helpline on 1800 55 1800 and Youth Helpline on 1300 13 17 19) in areas accessed by them.

18.3 Adults and young people (who are not prescribed mandated notifiers) can discuss or disclose harm related matters or seek support by contacting the Chief Executive Officer.

18.4 Young people and their parents should be enabled full opportunity to provide feedback on and make suggestions about young people's services through the EY communications systems. This may include focussed discussion sessions, survey, suggestion box, etc) printed 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.

19. Physical health and safety

The physical environment should always be such that the safety of young people is paramount, e.g., any electrical equipment used is in safe working order, floors are kept free of slippery surfaces, food is handled with the utmost care to as far as possible avoid contamination.

It is the role and responsibility of the EY Work Health and Safety (WHS) Officer to be responsible for and oversee all established WHS standards. Relevant accredited training must be undertaken for the appointed officer to carry out their duties.

Any faulty equipment/plant, which constitutes a hazard to the safety of a child/young person, should be immediately removed where possible, and its condition should be reported to the WHS Officer/organisation Office, in writing, without delay. For specific WHS information refer to the EY WHS document.

All the processes will be aligned with the prevailing Work Health & Safety and Risk Management Policy as approved by the Board.

20. Risk Management

EY recognises that it is not possible to eliminate all risks of child/young person exploitation and harm, however through child safeguarding principles and strategies EY aims to identify, mitigate, manage, and reduce the risks to young people in their operations.

Risk management is covered in more detail in the EY Work Health & Safety and Risk Management Policy. Risk assessment and risk management practices are embedded in procedures for all services, programs or activities authorised by the organisation.

All lead workers are accountable for identifying and managing risks within their area of service and its delivery environment.

In addition to *general* risk management, a specific priority is to minimise risks of harm of any kind to young people who are in EY care, and to ensure their physical safety in the buildings or activities of EY. Risk and safety assessments will be integrated into practice at every stage of intervention with a young person. This means that the key services provided to young people are identified.

Any identified risks occurring in the EY programs or its environment, will be recorded along with the specific action to be taken to reduce or remove the risks (i.e., risk controls) and the relevant worker will monitor and evaluate the effectiveness of implementation. (**Appendix I**).

This also means identifying, assessing, and taking steps to minimise the risks of harm to young people because of the action or inaction of any other worker involved with EY (such as an employee, volunteer, or another).

Driving alone with a young person is not permitted. Cars must be registered and only driven by fully licensed drivers, in accordance with the conditions subject to that license and the type and class of vehicle driven.

All persons involved with EY who notice matters of concern, must raise these concerns with a relevant leader who will then determine the appropriate response in accordance with this policy.

21. Internet Access

Internet access, email, social media and 'smart-phone' facilities are in most cases available for the purpose of communication, research, and business purposes.

In using these means of communication, workers hold positions of trust and leadership and are at all times prohibited from: sending, receiving, downloading, displaying, printing or otherwise disseminating material that is sexually explicit, obscene, profane, discriminating, fraudulent, offensive, defamatory, or otherwise in any way unlawful.

22. Initiation/secret ceremonies

Initiations and or secret ceremonies are prohibited.

23. Meetings/Locations

To ensure that safety and integrity is maintained for all concerned, workers should always conduct a one-on-one meeting with a young person in an area that is private but not isolated. It is not wise to meet with an individual young person in a secluded/blind area. Where possible it is desirable that the room used for such sessions have glass inserts in doors, which will maintain confidentiality, whilst eliminating a secluded or blind area.

24. Hiring out of EY facilities to outside groups

Groups privately hiring or using EY facilities where young people will be a part of that program must provide proof that persons responsible for any program relating to the care and supervision of young people, have completed a South Australian Government Child Safe Environment Compliance process and that workers have current, valid and verified WWCC's.

25. Care/Support/Counselling

It is the responsibility of EY to ensure that all workers are made aware of the difference between a qualified “counsellor”, and a person providing “pastoral care” and support. The term “counsellor” relates only to a suitably qualified person.

Workers should always keep their Chief Executive Officer/supervisor informed of their service caseload, who they are meeting with, and who they are providing direction or support to via an ongoing process of supervision and support.

Any form of touching without permission is to be avoided unless for emergency or safety purposes. In a secluded or blind area touching must be always avoided. All touching of a sexual or suggestive manner is not permitted.

Workers must not visit children at home or at isolated locations without obtaining parental/guardian permission, and if no other person is present.

PART C: Miscellaneous

26. Privacy

All information concerning young people must be kept confidential and only disclosed to authorised persons. Procedures for storage of information concerning young people associated with the organisation should be managed by the relevant EY worker. Refer to the EY Privacy Policy as amended from time to time.

27. Communication

The EY Safeguarding Officer (YSO) will annually:

- Communicate the availability of these policies to attendees to the EY community.
- Encourage and facilitate feedback on all services/activities relating to young people (ref Section 2 Part B paragraph 18).

28. Workers' awareness

(The following is a brief outline only. If you wish to know more on these topics, you should seek further advice on them.)

Workers should be aware:

- 28.1 Section 166 (4) of the CYPsA protects workers against civil and criminal liability for having reported suspected risk of harm to C.A.R.L. under s30 & 31 of the CYPsA. S163 (1) of the CYPsA provides that the identity of a notifier to C.A.R.L. is not to be disclosed, but by the Service Covenant this does not prevent some officers of the organisation being told of it.
- 28.2 By s165 of the CYPsA it is an offence to cause detriment to a person who makes a report to C.A.R.L.
- 28.3 Apart from a report to C.A.R.L. a worker who informs another person of suspected risk of harm, which cannot ultimately be proved, can be liable for civil damages for defamation. Extreme care needs to be taken in sharing allegations to anyone other than C.A.R.L. and the EY Chief Executive Officer or delegate. In making an allegation a worker serving EY is likely covered by organisation insurance against any damages, which may be awarded for defamation.
- 28.4 Other than for damages for defamation, the Volunteers Protection Act 2001 relieves an unpaid worker acting for the organisation from civil liability for any breach of duty provided they have acted in good faith and without recklessness.

29. Media Management

As a part of the EY commitment to open, accountable, and professional responses, the persons authorised to make media comment concerning matters pertaining to alleged breaches of the Children and young people safeguarding Policy and any other matters relating to the young person Protection process in this policy, are limited to:

- The Chief Executive Officer or delegate
- Chair of the EY Board or delegate
- The Professional Standards Consultant.

Appendix A

EXCERPTS - SOUTH AUSTRALIAN LEGISLATION SA

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

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
 - (j) 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;
 - (k) 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, 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—
 - (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
 - (e) information setting out the grounds for the person's suspicion; and
 - (f) 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

South Australia Statutes Amendment (Child Sexual Abuse) Act 2021

Obligations

In addition to the requirements of mandatory reporting under s30 & 31 the Children and Young People (Safety) Act 2017(CYPSA), which places an obligation on all EY workers to report a reasonable suspicion a child is, or may be, at risk of harm, all workers must **also** comply with the reforms under the Statutes Amendment (Child Sexual Abuse) Act 2021, which changed the Criminal Law (Consolidation) Act 1935 in relation to the protection of children from sexual abuse.

Simply there are two significant areas for compliance.

1. Failure to report suspected child sexual abuse (Section 64A). Penalties apply IF:

- (2) A prescribed person is guilty of an offence if the person knows, suspects or should have suspected that another person (the **abuser**)—
 - (a) has previously engaged in the sexual abuse of a child while an employee of the institution or, if the prescribed person provides out of home care, while also providing out of home care, and—
 - (i) the child is still under the age of 18 years; or
 - (ii) the abuser is still an employee of the institution or another institution or still provides out of home care; or
 - (iii) the sexual abuse occurred during the preceding 10 year period; or
 - (b) is an employee of the institution or, if the prescribed person provides out of home care, is providing out of home care, and is engaging, or is likely to engage, in the sexual abuse of a child.

2. Failure to protect a child from sexual abuse (Section 65A), penalties apply IF:

- (3) the prescribed person knows that there is a substantial risk that another person (the **abuser**) who is also an employee of the institution or, if the prescribed person provides out of home care, who is also a provider of out of home care, will engage in the sexual abuse of a child—
 - (a) who is under 17 years of age; or
 - (b) in relation to whom the abuser is in a position of authority; and
- (4) the prescribed person has the power or responsibility to reduce or remove that risk but negligently fails to do so.

Refer to the following excerpts of this legislation.

South Australia

Statutes Amendment (Child Sexual Abuse) Act 2021

An Act to amend the [Criminal Law Consolidation Act 1935](#), the [Criminal Procedure Act 1921](#), the [Evidence Act 1929](#), the [Sentencing Act 2017](#), the [Summary Offences Act 1953](#) and the [Young Offenders Act 1993](#).

7 - Insertion of Part 3 Division 11B

After section 63D insert:

Division 11B—Institutional and out of home care child sexual abuse

64—Interpretation

In this Division—

adult means a person who is not a child;

child means a person under 18 years of age;

institution means—

- (a) an entity (whether private or public) that operates facilities or provides services to children who are in the care, or under the supervision or control, of the institution and includes (without limitation) medical and religious institutions and any services or functions provided by persons as part of the duties of a medical practitioner or of a religious or spiritual vocation; or
- (b) an entity of a class prescribed by the regulations;

out of home care means—

- (a) care provided to a child where—
 - (i) the child is under the guardianship or custody of the Chief Executive under the [Children and Young People \(Safety\) Act 2017](#); and
 - (ii) the care is provided by a person with whom the child is placed pursuant to section 84 of that Act; and
 - (iii) the care is provided on a residential basis in premises other than the child's home; and
 - (iv) the provider of the care receives, or may receive, payment, or financial or other assistance, in relation to the care provided; or
- (b) any other care of a kind declared by the regulations to be included in the ambit of this definition;

prescribed person means an adult who—

- (a) is an employee of an institution, including a person who—
 - (i) is a self-employed person who constitutes, or who carries out work for, an institution; or
 - (ii) carries out work for an institution under a contract for services; or
 - (iii) carries out work as a minister of religion or as part of the duties of a religious or spiritual vocation; or
 - (iv) undertakes practical training with an institution as part of an educational or vocational course; or
 - (v) carries out work as a volunteer for an institution; or
 - (vi) is of a class prescribed by the regulations; or
- (b) provides out of home care;

Sexual abuse of a child includes any unlawful conduct of a sexual nature committed to, or in relation to, a child.

64A—Failure to report suspected child sexual abuse

(1) A prescribed person is guilty of an offence if the person knows, suspects or should have suspected that another person (the *abuser*)—

- (a) has previously engaged in the sexual abuse of a child while an employee of the institution or, if the prescribed person provides out of home care, while also providing out of home care, and—
 - (i) the child is still under the age of 18 years; or
 - (ii) the abuser is still an employee of the institution or another institution or still provides out of

- home care; or
 - (iii) the sexual abuse occurred during the preceding 10 year period; or
 - (b) is an employee of the institution or, if the prescribed person provides out of home care, is providing out of home care, and is engaging, or is likely to engage, in the sexual abuse of a child, and the prescribed person refuses or fails to report that to the police. Maximum penalty: Imprisonment for 3 years.
- (2) For the purposes of [subsection \(1\)](#), a defendant should have suspected that another person has engaged, is engaging or is likely to engage in sexual abuse of a child if a reasonable person in the defendant's circumstances would have held the relevant suspicion and the defendant's failure to hold that suspicion, if judged by the standard appropriate to a reasonable person in the defendant's position, amounts to criminal negligence.
- (3) A prescribed person may be guilty of an offence under this section in respect of any knowledge, suspicion, or circumstances in which they should have held a suspicion, occurring before the commencement of this section, but in such a case the person will not be guilty of the offence unless—
- (a) the relevant child is still under the age of 18 years and is still in the care, or under the supervision or control, of the institution or is still in out of home care; or
 - (b) the abuser is still an employee of the institution or another institution or still provides out of home care.
- (4) It is a defence to a charge of an offence under this section if the defendant had a reasonable excuse for the refusal or failure to report.
- (5) Without limiting the circumstances in which a person might be found to have had a reasonable excuse for a refusal or failure to report, a person will be taken to have had a reasonable excuse if the person refused or failed to report the matter to the police because the person believed on reasonable grounds that the matter had already been reported to the police or had been reported under Chapter 5 Part 1 of the [Children and Young People \(Safety\) Act 2017](#).
- (6) If a prescribed person reports a matter to the police, in good faith, believing that the report was required under this section—
- (a) no civil or criminal liability lies against the person for making the report; and
 - (b) the person cannot be held to have breached any code of professional etiquette or ethics, or to have departed from any acceptable form of professional conduct, for making the report.
- (7) Sections 163 (other than section 163(1)(ab)) and 165 of the [Children and Young People \(Safety\) Act 2017](#) apply in relation to a prescribed person who reports a matter to the police under this section as if they had provided the information under Chapter 5 Part 1 of that Act.

65—Failure to protect a child from sexual abuse

- (1) A prescribed person is guilty of an offence if—
- (a) the prescribed person knows that there is a substantial risk that another person (the *abuser*) who is also an employee of the institution or, if the prescribed person provides out of home care, who is also a provider of out of home care, will engage in the sexual abuse of a child—
 - (i) who is under 17 years of age; or
 - (ii) in relation to whom the abuser is in a position of authority; and
 - (b) the prescribed person has the power or responsibility to reduce or remove that risk but negligently fails to do so.
- Maximum penalty: Imprisonment for 15 years.
- (2) For the avoidance of doubt, it is not necessary for the prosecution to prove that sexual abuse of a child occurred to make out an offence against this section.
- (3) For the purposes of this section, a person is in *a position of authority* in relation to a person under the age of 18 years (the *child*) if—
- (a) the person is a teacher and the child is a pupil of the teacher or of a school at which the teacher works; or
 - (b) the person is a parent, step-parent, guardian or foster parent of the child or the de facto partner or domestic partner of a parent, step-parent, guardian or foster parent of the child; or

- (c) the person provides religious, sporting, musical or other instruction to the child; or
- (d) the person is a religious official or spiritual leader (however described and including lay members and whether paid or unpaid) in a religious or spiritual group attended by the child; or
- (e) the person is a health professional or social worker providing professional services to the child;
or
- (f) the person is responsible for the care of the child and the child has a cognitive impairment; or
- (g) the person is employed or providing services in a correctional institution (within the meaning of the *Correctional Services Act 1982*) or a training centre (within the meaning of the *Young Offenders Act 1993*), or is a person engaged in the administration of those Acts, acting in the course of the person's duties in relation to the child; or
- (h) the person is employed or providing services in a licensed children's residential facility (within the meaning of the *Children and Young People (Safety) Act 2017*), or a residential care facility or other facility established under section 36 of the *Family and Community Services Act 1972*, or is a person engaged in the administration of those Acts, acting in the course of the person's duties in relation to the child; or
- (i) the person is an employer of the child or other person who has the authority to determine significant aspects of the child's terms and conditions of employment or to terminate the child's employment (whether the child is being paid in respect of that employment or is working in a voluntary capacity).

Appendix B

Encounter Youth Inc.
RISK OF HARM PRELIMINARY REPORT FORMS (EXAMPLE)

Date: Time:

Organisation:

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

Address:

Has the Child/young person Abuse Report Line (CARL) been notified? YES / NO (circle)

CARL officer's name (if known)

Time/Date:

If not, reason?

Name of person reporting:

Any specific allegations made by the child/young person/young persons? (dot point)

-
-
-
-

Name of person suspected:

Age or DOB if known: Organisation position: (if any)

Address: (if known)
.....

Please provide brief details on the behaviour observed or how the suspicions came to light. Record all details such as when, where, who, how and any other possible witnesses or persons involved or who could be affected (Attach sheet if necessary)

.....
.....
.....

How did the person making the report become aware of the situation?

.....

Any further details: (attach additional sheets if necessary)

.....

Appendix C

Encounter Youth Inc. 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.

The EY Child/young person Protection Training Strategy utilises the Child/young person Protection Solutions (CPS) or equivalent training modules for all board, staff and leadership positions, which consists of a 5.5 Hour Customised UNDERSTANDING AND RESPONDING TO YOUNG PEOPLE AT RISK OF HARM AND EXPLOITATION intensive seminars.

CPS seminars also include additional specialist Child/young person Sex Offender Awareness modules with an emphasis on *"MAKING YOUNG PEOPLE & THE AGENCY SAFE"*

Once those identified within the EY Safeguarding Children and Young People Policy have undertaken the initial 5.5-hour intensive they are required at a minimum to attend and complete 3-hour update/refresher every three years.

While CPS is an experienced independent agency which delivers this training, other qualified providers may be engaged through SA providers such as DHS Safe Environments –Through Their Eyes (TTE). For EY Volunteers who are employed in the education sector, Responding to Risk of Harm, Abuse and Neglect (RRHAN) is an available and recognised training program.

However, board, staff and leadership personnel who have completed any of the above external training options, will be strongly encouraged to complete the EY customised training model, and at the very least they will be required to undertake an EY bridging module.

The CPS training strategy has the following advantages:

- Training is presented via the highly experienced (former) child/young person protection investigators and prosecutors, coupled with organisation service experience.
- The CPS model also offers ongoing "on tap" support and consultancy to individuals and agencies in relation to all matters relating to professional standards and child/young person protection.
- A range of additional customised seminars are offered which are designed to add to and enhance the strategy, as well as provide greater support to those who oversee or have direct involvement in child/young person/youth related programs.

Other "general volunteers" may not be required to complete the customised 5.5-hour training but will be offered the opportunity to complete an EY Specific training tailored to the needs of the organisation or specific areas of responsibility as appropriate and desired.

Appendix D

**Encounter Youth Inc. South Australia (EY)
MEDICAL & HEALTH PERMISSION – GENERAL (EXAMPLE)**

Name:
(Surname) (Christian names)

Home Address:
.....

Next of kin for notification of any information:

Name

Relationship

Telephone (Home) (Work)

Do you give permission for medical intervention (including ambulance services) in the case of an emergency, and you are not able to be contacted immediately? YES / NO

Is your child/young person covered by a private medical benefits fund..... YES / NO

If yes, the name of the fund

.....

Medicare number:

Are there any other conditions which the (organisation should be aware of regarding the health and well-being for your child/young person? e.g., Asthma, allergies, convulsive seizures, diabetic YES / NO

If so, please indicate (or use a separate sheet, if appropriate)

.....

Regular doctor's name and phone number

Has your child/young person had a tetanus immunisation? YES / NO

If so, when?

Is your child/young person allergic to any drug/medicine? YES / NO

If so, please give details

.....

.....

Are there major food allergies which we need to know about? YES/ NO

If so, please give details

.....

Any other comments?

Appendix E

**Encounter Youth Inc. South Australia (EY)
MEDICAL & HEALTH INFORMATION – SPECIAL EVENT (EXAMPLE)**

Name:
(Surname) (Christian names)

Is your child/young person taking any regular or currently prescribed medication? YES / NO

If so, please name the medication and provide details of dosage and administration

.....

.....

Your child/young person's leader will administer medication to your child/young person as directed by written instructions from you Please clearly mark your child/young person's name on all medication along with the dosage and administration procedures.

Is there anything about your child/young person's health which means that she/he should engage in only limited physical activity?..... YES / NO

If so, please give details

.....

Does your child/young person require a special diet because of health problems? YES / NO

If so, please give details

.....

Is there any other information which may help us care for your child/young person?..... YES / NO

If so, please give details

For emergency use only

In case of emergency, contact

Phone Number

Name of family doctor

Address of doctor phone

Name and address of any other medical specialist treating your child/young person

Doctor phone

Do you give permission for an ambulance to be called if deemed necessary (any costs being the parent's responsibility)? YES / NO

Signed: date

(parent/caregiver)

Witnessed

Appendix F

**Encounter Youth Inc. South Australia (EY)
WORKER AGREEMENT**

**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 (**Appendix G**) 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 Children and Young People Safeguarding Policy, the Code of Conduct- Safeguarding Children and Young People, 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	

Appendix G

Encounter Youth Inc. South Australia (EY) CODE OF CONDUCT – SAFEGUARDING CHILDREN AND YOUNG PEOPLE



**ENCOUNTER
YOUTH**
Abstract

This code of conduct outlines expected standards of conduct that as applied, will serve to safeguard Children and Young People and all who are involved in their care.

This Code of Conduct has been approved by the Board of EY to explain what is expected of organisation representatives to safeguard Children and Young People from harm, including sexual exploitation, harm and harassment. These expectations are explained in detail so that EY representatives understand how to do the right thing, as we work towards all people being able to enjoy the fullness of life that God intends.

EY is committed to the safety and wellbeing of all Children and Young People accessing our services as detailed in the Safeguarding Children and Young People Policy and Procedures document.

In accordance with that policy, we support the rights of the child/young person and will act without hesitation to ensure a child/young person safe environment is maintained at all times.

We also support the rights and wellbeing of our Leaders, staff and all who serve and encourage their active participation in building and maintaining a secure environment for all participants.

This code of conduct outlines expected standards of conduct that as applied, will serve to safeguard all who are engaged in environments where Children and Young People are involved.

All those who serve Children and Young People under the auspices of the EY should also be fully aware of the **Safeguarding Children and Young People Policy and Procedures** alongside this Code of Conduct.

EY Board Chair _____

Index

Definitions	31
Persons subject to the code	31
1. Our guiding ethos.....	32
2. Our Commitment	32
3. Specific expectations of those who serve	32
4. Specific obligations	33
5. Expectation to Protect Children and Young People from Harm.....	33
6. Do	33
7. Do Not	34
8. Declaration.....	36

Definitions

At Risk

is as defined by the Children and Young People (Safety) Act 2017.

Organisation

is the Encounter Youth Organisation Inc.

Child/ Children/ Young people / Young person

are persons under the age of 18 years.

Child Protection Policy

is the Safeguarding Children and Young People Policy and Procedures document adopted by EY.

CYPSA

is the Children and Young People (Safety) Act 2017.

PSC

is the Professional Standards Consultant

Mandatory reporting

is an obligation upon EY workers to report a reasonable suspicion a child/young person is, or may be, at risk of harm, in accordance with s30 & 31 CYPSA,

Worker agreement

is the agreement generally designated by [Appendix F](#) to the Safeguarding Children and Young People Policy.

Worker

is all Staff, Board members, volunteers, or any other person paid or unpaid who are involved in the oversight and/or direct service of the organisation to young people and young persons.

Persons subject to the Code

The Code applies to:

- All employees of EY who serve Children or young people
- All leaders/workers who serve or oversee service to Children or young people

Reporting of Breaches to the Code

Any observed **breaches** concerns, issues, or problems relating to the Code of Conduct should be raised and reported to the EY CEO and / or Chief Operating Officer and / or relevant Senior Line managers.

CODE OF CONDUCT

– Safeguarding Children and Young People

1. Our guiding ethos:

Encounter Youth (EY) is a community of followers of Jesus Christ in SA seeking to serve young people in a manner that reflects the teachings and model of Christ with integrity and humility. We accept that our faith is worked out and expressed in the quality of relationships we develop as an organised community, and with all those with whom we interact in our daily lives. Jesus taught and demonstrated the importance of truth and honesty, of justice and mercy as essential to healthy relationships.

This **Code of Conduct** seeks to apply to all who serve in the organisation's environment to Children and Young People, those ethical standards that God expects of all people. People in various forms of service are expected to be examples and models of Christian faith and practice. It is the duty of any person who serves young people at EY to not to use the influence or authority of their position for personal gain, whether that gain is financial or in terms of power, sexual gratification, or otherwise. This includes any action or inaction, verbal, written or electronic, physical or emotional that could be interpreted as physical, emotional, sexual or spiritual harm. We recognize the power differential between young people and adults in service roles, and these guidelines seek to ensure that such a power is not used to harm young people, or any other vulnerable person.

The adoption of this **Code of Conduct should stand in direct relation to the EY *Safeguarding Children and Young People Policy and Procedures document*** and together reflect a deep desire for an open, accountable process that seeks to express justice, acceptance and compassion to all parties, rather than any prime intent to protect the organisation entity.

2. Our Commitment

Our commitment is to express the love of Christ with the conviction that all people should be able to live, work and learn in an environment that is free from harm of any kind. Our commitment is to cultivate an environment and culture where a diversity of people, regardless of age, culture, religion, gender, sexuality, identity or disability can thrive and grow holistically. That is, we are committed to Encounter Youth being a safe place for all people, with a special focus on the safety and wellbeing of Children and Young People.

This **Code of Conduct** aims to detail the standards of conduct expected by all workers who perform their duties in working with young people and to provide guidance in areas where there is a need to make personal and ethical decisions.

The **Code of Conduct** recognises and is aligned with statutory and compliance requirements of the Children and Young People (Safety) Act 2017 (CYPSA) and the National Principles for Child Safe Organisations.

EY is committed to operating in accordance with the CYPSA in all its operations.

3. Specific expectations of those who serve in service

All persons subject to this Code will:

- a) Behave in accordance with Christian moral standards as understood and accepted by EY and in a manner consistent with the fundamental values of EY as expressed in its Constitution;

- b) In their dealings with others (both inside and outside of the organisation) act in love and with respect for the dignity and the rights of all others;
- c) Comply with their obligations under the Safeguarding Children and Young People Policy and Procedures;
- d) Not do anything to bring the EY into disrepute;

4. Specific obligations

- a) Maintain the confidentiality of information derived in the course of their service for EY except where disclosure is either consented to by all persons involved or is necessary for the proper performance of that service;
- b) Not call themselves, or hold themselves out as, counsellors unless appropriately qualified;
- c) Where they have counselled anyone in the course of their service, to not thereafter enter into any intimate relationship with that counselee for a period of two years after the end of the counselling;

5. Specific expectation to Protect Children and Young People from Harm

Any harmful behaviour towards young people will not be tolerated. All allegations will be reported in accordance with the mandatory reporting legislation.

6. DO:

All people involved in the care of young people on behalf of EY are expected to:

- a) report to C.A.R.L by the 24-hour Child Abuse Report Line on 131478 if it is suspected, on reasonable grounds, that a child/young person is, or may be at risk;
- b) contact the police if a child/young person is at immediate risk of harm (telephone '000');
- c) if an allegation of harm or risk of harm to a child/young person is made, ensure that, as quickly as possible provide for the immediate and ongoing safety of the child/young person,
- d) record and act upon all allegations or suspicions of harm, discrimination or harassment;
- e) adhere to the Safeguarding Children and Young People Policy and Procedures and uphold EY's commitment to child/young person safety at all times;
- f) conduct themselves in a manner consistent with their position as staff, Leader, volunteer, leader or contractor of EY and as a positive role model to young people;
- g) take all reasonable steps to protect young people from harm, recognising duty of care;
- h) establish and maintain a young person-safe environment in the course of their work;
- i) treat Young People with respect. Value their ideas, opinions and consider their age, background and abilities;

- j) listen and respond to the views and concerns of Young People, particularly if they are telling you that they are or another young person has been harmed or that they are worried about their safety/the safety of another child or young person;
- k) promote the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander young people (for example, by never questioning an Aboriginal and Torres Strait Islander child/young person's self-identification);
- l) promote the safety, participation and empowerment of young people with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination);
- m) promote the safety, participation and empowerment of young people with a disability;
- n) ensure (as far as practicable) that adults are not alone with a young person, or, at least, observable by another adult;
- o) be professional, consistent and responsible in all your actions;
- p) maintain strict impartiality;
- q) respect confidentiality when sharing information about young people in accordance with the Safeguarding Children and Young People Policy and Procedures and your reporting obligations;

7. DO NOT:

All people involved in the service of children or young people on behalf of Encounter Youth must not:

- a) ignore or disregard any suspected or disclosed children or young person harm;
- b) put a young person at risk or fear of harm (for example, by locking doors for an improper reason);
- c) speak to a young person in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. Some examples are:
 - swearing or using inappropriate language in the presence of a /young person;
 - yelling at a young person, except in an emergency situation where the young person's safety may be in danger;
 - dealing with a young person in anger; and
 - using hurtful sarcasm.
- d) discuss sexual activities with a young person, unless it is a specific job requirement and the person is trained or qualified to discuss these matters;
- e) have private contact with a young person outside of organisation activities without the knowledge and/or consent of consent of parents / guardians / caregivers and EY's leadership;
- f) initiate unnecessary physical contact with a young person, or do things of a personal nature that a young person can do for themselves, such as providing aid with changing clothes or using the bathroom;

- g) hold, kiss, cuddle or touch a young person or vulnerable person in an inappropriate, excessive or culturally insensitive way; engage in rough physical games with a young person or vulnerable person.
- h) have any online contact with a young person (including by social media, email, instant messaging etc, unless approved by the young person's parents / guardians / caregivers and organisation leadership in accordance with EY Virtual Online Policy guidelines;
- i) exchange personal contact details such as phone number, social networking sites or email addresses with a young person, unless necessary and approved by the young person's parents / guardians / caregivers and organisation leadership as the agreed form of communication;
- j) use, possess, or be under the influence of alcohol while supervising a young person;
- k) use, possess, or be under the influence of illegal/illicit drugs while supervising a young person;
- l) provide or allow a young person to consume alcohol or illegal or illicit drugs;
- m) consume alcohol or illegal or illicit substances within the presence of young people or provide alcohol or drugs to young people including illegal and prescription substances.;
- n) engage in any sexual contact with a young person for any purpose;
- o) take a young person to your home or encourage meetings outside program activities (unless approved by the organisation and the young person's parents/guardians);
- p) be naked in the presence of a young person;
- q) possess sexually explicit materials (magazines, cards, videos, films, clothing, etc.) in the presence of young people;
- r) sleep in the same bed, sleeping bag, room or tent with a single young person;
- s) discriminate against any young person, on the basis of age, gender, race, culture, sexuality, or disability;
- t) engage in any activity with a young person that is likely to emotionally harm them (e.g. watch a movie that is age or content inappropriate for a young person);
- u) be alone with a young person unnecessarily and for more than a very short time, unless you are observable by another adult or it is unavoidable;
- v) develop a 'special' relationship with a specific young person for their own needs;
- w)** photograph or video a young person without the consent of the young person and their parents or guardians. (Normal filming and screening within public organisation space and events can be adequately covered by a general disclaimer on screen and print, and offering an opt out opportunity.)

DECLARATION

I, _____, have read this Code of Conduct and the Safeguarding Children and Young People Policy and Procedures that express the intent of EY to protect and nurture young people and other vulnerable people.

I agree to comply with these values, standards, and behavioural expectations and all related compliances. I understand that if I breach this Code of Conduct or commit an act of serious misconduct or break the law, this may, in accordance with EY policy and associated HR employment conditions, lead to the implementation of such actions as:

- Temporary suspension from duties with or without pay while a decision is reached on the breach.
- Modification of duties.
- Imposition of conditions on any continued employment or involvement in organisation activities.
- Requirement of non-communication with specified persons.
- Suspension of employment
- Revoke or modify any decision it has made.
- Being reported to the police and charged with a criminal offence.

Signed: Date: / /

Witness: Date: / /

Chief Executive Officer EY

Appendix H

Encounter Youth Inc. South Australia (EY) WORKING WITH YOUNG PEOPLE CHECKS (WWCC) – EXCLUSIONS

If the following conditions are met by a person serving in an unpaid capacity, they are eligible for an exclusion and in some circumstances, may not be required by the member organisation to obtain a WWCC:

- Young people under the age of 14 years
- A sworn South Australian Police Officer or an Australian Federal Police Officer
- A person who believes on reasonable grounds that they will not work with young people on more than 7 days (whether consecutive or not) in a calendar year (unless the activity includes an overnight stay or involves close personal contact with a child/young person with a disability)
- A person who, at the time of engaging in particular child/young person-related work on a particular day in a calendar year, had worked with young people on less than 7 days (whether consecutive or not) in that year (unless the activity includes an overnight stay or involves close personal contact with a child/young person with a disability)
- A parent/guardian of a child/young person involved in a young people's services activity

PLEASE NOTE: it is considered best practice for all volunteers who meet exclusion criteria to obtain a WWCC

THE ABOVE EXCLUSIONS CANNOT UNDER ANY CIRCUMSTANCES APPLY IF a person has ever been prohibited from working with young people in any State or Territory in Australia

Appendix I

Encounter Youth Inc. South Australia (EY) Risk Assessment / Management Template – EXAMPLE

The following tables are contained in the EY Work Health & Safety and Risk Management Policy, which is available on request from Encounter Youth

Encounter Youth is strongly committed to providing a safe and healthy environment for its staff, volunteers and others.

Encounter Youth undertakes activities in environments that contain inherent risks which need to be mitigated. Consequently, risk management is an essential part of ensuring the organisation is in conformance with applicable laws and operates in accordance with best practice.

Use the following Tables to complete the Child/young person Protection Risk Assessment
As strategies are identified and implemented the risk level should be reviewed and re-assessed.

EY adopts the following risk ratings and descriptors:

Severity of Consequence	Risk Score	Consequence Type/Category & Descriptors			
		Health & Safety	Environment	Reputation	Financial (A\$)
Critical	V	Fatality	Long term impact – Regulatory intervention	Critical impact on reputation – e.g. nationwide adverse media exposure directed at EY.	Financial loss/penalty > \$250,000
Major	IV	Injury – Resulting in permanent disability and/or long recovery period.	Short term impact – Triggers regulatory investigation.	Major impact on reputation – e.g. key stakeholders losing faith in EY, threatening ability to carry out key activities.	Financial loss/penalty from \$50,000 to \$250,000
Moderate	III	Injury – Requiring Medical treatment and recovery period	Local damage/impact – Requires regulator notification – e.g. – significant spill of diesel.	Moderate impact on reputation – e.g. Community/stakeholders focusing undue attention on EY.	Financial loss/penalty from \$10,000 to \$50,000
Minor	II	Injury – Requiring Medical treatment	Minor impact – use incident reporting procedures – e.g. < 80 litre spill of diesel	Some impact on reputation – e.g. adverse publicity directed at EY.	Financial loss/penalty from \$1,000 to \$10,000
Negligible	I	Injury – First aid treatment	Negligible impact – e.g. minor damage to grass.	Minimal impact to reputation.	Financial loss/penalty < \$1,000

EY adopts the following likelihood descriptors

Likelihood	Descriptors
Almost Certain	Will happen often in the circumstances and location. E.g. sun burn during activities in summer.
Likely	Will probably occur in the circumstance or location, or more frequently at EY activities. Example. volunteer complains of headaches while working long hours inside a loud venue at a music festival.
Possible	Could occur in the circumstance or location and has occurred in the past at EY activities. Example: volunteer suffers sprained wrist during EY activities.
Unlikely	Could occur in the circumstance or location in similar activities to which EY carries out. Example: car accident, significant crowd crush at a music festival causing numerous injuries.
Remote	Not expected to occur in the circumstance or location in similar activities to which EY carries out. Example: kidnapping.

EY adopts the following definitions of risk level (RL)

		Consequence				
		Negligible I	Minor II	Moderate III	Major IV	Critical V
Likelihood	Almost Certain	2	3	4	5	5
	Likely	1	3	4	4	5
	Possible	1	2	3	4	4
	Unlikely	1	1	2	3	4
	Remote	1	1	1	2	3

EY adopts the following response strategies to mitigate risk events

Response	Description
Eliminate	Respond to the risk in such a way so that the risk is completely eliminated (i.e., the probability of the risk materializing is reduced to zero.) Example: respond to a risk of volunteers at an event getting sunburnt by scheduling completely between sunset and sunrise.
Transfer	Respond to the risk in such a way that another party bears the danger of the risk. Example: respond to a risk of financial loss of equipment due to theft by taking out theft insurance to at least the replacement value of the equipment.
Mitigate	Respond to the risk by taking steps which reduce the likelihood of the risk materializing (but not to zero) and/or reduces the consequence of the risk materializing to an acceptable level. Example: respond to a risk of event participants being struck by a vehicle by limiting vehicular access to specific parts of the site (reducing likelihood of interaction with event goers) and setting a speed limit (reducing consequence if an accident is to occur).
Tolerate	Respond to the risk by agreeing to monitor the risk at regular intervals but take no further action. Example: respond to the risk of a tsunami flooding an event by documenting that it could happen.

DISCLAIMER



Child/young person Protection Solutions (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, **or any responsibility for any changes made to it post-handover by the client.**

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 be reviewed and amended as outlined by this policy.

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.