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## **CHILD PROTECTION PROCEDURE**

**Policy context:** This procedure relates to

Legislation or other requirements	Children's Protection Act 1993 (SA)
Contractual obligations	DHS and NDIS Service Agreements

### **Definitions**

**Abuse** - Can consist of one or more of, but is not restricted to, the following:

- **Physical Abuse** - Any non-accidental physical contact, with or without injury, resulting from practices such as hitting, punching and kicking. It may also include but is not necessarily limited to shaking (particularly babies) burning (irons, cigarettes) biting, pulling out hair and alcohol or other drug administration.
- **Sexual Abuse** - Any sexual act or threat to perform such upon another person. This occurs when a person uses their power and authority to take advantage of another's trust to involve them in sexual activity. It does not necessarily involve genital contact but is any act which erodes the sexual boundary between two persons. It may appear consensual, but the validity of consent is negated by the power differential. In South Australia, the legal age of consent is seventeen (17) years,
- **Emotional Abuse** - The chronic attitude or behaviour of one person, which is directed at another person, or the creation of an emotional environment which erodes a child's development, self-esteem and social confidence over time. Behaviours may include: devaluing, ignoring, rejecting, corrupting, isolating, terrorising or chronic and extreme domestic violence in the child's presence.
- **Neglect** - Characterised by the failure to provide for the child's basic needs. Any serious omission or commission which jeopardises or impairs a child's development.

**Board Member** – Persons elected by members of Enhanced Lifestyles (EL) and Lifestyle Assistance and Accommodation Service (LAAS) who have the power to appoint the Chief Executive Officer; set goals, formulate strategy, and approve business plans; approve annual budgets and business results; set, review policies for Customer/Client communication and approve reports to Customers/Clients; and set and review budgetary control and conformance strategies.

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**Child** - Any person under the age of eighteen (18) years.

**Manager** – A person who is charged with the management of Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service functions and employees.

**Reasonable** – The appropriate standard or quality of objective decision-making that must be brought to bear when making an administrative decision.

## Procedures

## Responsibilities

Chief Executive Officer:

- A high standard of conduct is maintained at all times.
- In the case of a report of child abuse, Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service' Insurer is contacted immediately.

Managers:

- All employees are informed, understand and apply the principles of this policy.
- Accurate and confidential records of all reported cases of child abuse are maintained.
- Client and personnel confidentiality is maintained at all times.
- Feedback is sought in relation to reports of child abuse and neglect through Child, Youth and Family Services; and
- Appropriate feedback is issued to reporting employees.
- Legislative requirements both Federal and State are adhered to.
- Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service procedures are followed to protect the confidentiality of all parties concerned.
- Confidential paperwork relating to allegations of child abuse is retained in a safe environment to maintain confidentiality and in line with legislative and government policy.

Employees:

- A safe environment for children is maintained at all times.
- Any suspicious behaviour or actions are reported in accordance with this policy.
- They follow instructions established to protect children in their care and themselves.
- Accurate and confidential records of all reported cases of child abuse are maintained at all times.

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### **Recruitment and Screening Processes**

Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service internal recruitment processes of employees already employ stringent screening measures to ensure inappropriate persons are not employed. These include Child Related Employment Screening through The Department for Human Services (DHS) and verbal reference checks of at least two (2) professional referees, which are carried out on all short-listed applicants

before they commence work. Additional screening measures are incorporated into selection processes for positions working with children, which include targeted interview questions.

Where Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service has identified that a prospective employee has previously committed a violent or sexually related offence, they will not, under any circumstances, be considered for child related employment or activities.

### **Safe Environment**

Incidents of abuse are unlikely to take place in front of another person and the presence of a witness can assist in clarifying questionable allegations. For these reasons, whenever reasonably practicable, there should be two people present when working with or supervising a child.

No person employed or appointed by Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service will visit, without the prior approval of Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service, a child in their home.

When transporting a Child, the child is to be taken directly to and from arranged venues; there must be no spontaneous detour under any circumstances.

All personal counselling is to be carried out within sight of a witness.

Employees are expected to respect a child's privacy during activities that require undressing, dressing or changing clothes. Under no circumstances will Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service employees be alone in a room with a child while either is changing clothes.

Initiations and secret ceremonies are prohibited. All aspects of every child-related program will be open to observation by parents/guardians.

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Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service employees have the right to ask people who do not have a valid reason to be present at child-related activities to leave. Police may be contacted if such persons refuse to comply with any reasonable request to leave.

**Ensure appropriate use of Communication Systems**

Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service guidelines on appropriate use of its communication systems cover child pornography and any use of Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service systems to access child pornography will not be tolerated and will be dealt with promptly, including reporting to police.

**Disciplining Children**

It is not the responsibility of Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service employees to discipline a child. If a child does not abide by the rules set down by Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service or is an obstruction to the care of other children or may cause harm to other children, the child will be removed and referred back to their parent or guardian.

At no time will Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service employees administer any form of physical, emotional or mental discipline.

Reasonable grounds of Child Abuse can be assumed when:

1. A child discloses that he or she has been abused, and/or
2. Someone close to a child (e.g. sibling, relative, close friend) discloses on behalf of that child.
3. There is professional judgment that abuse has occurred or reasonable grounds to suspect that a child has been or is being abused or neglected.

**Notifying Allegations of Abuse**

*All child abuse allegations that arise will be reported immediately to the Child Abuse Report Line (CARL) on 13 14 78.*

CARL will be notified immediately if a child discloses an incident of abuse or neglect that has occurred somewhere other than Enhanced Lifestyles and Lifestyle

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Assistance and Accommodation Service premises, (e.g. home or school) or if there are reasonable grounds to suspect a child has been or is suffering abuse or neglect.

If the child is in immediate danger, the Police will also be contacted on 000 (emergency) or 131 444.

The employee will then immediately contact their Manager and complete an Incident Report that will be forwarded to the Manager in strictest confidence.

As per NDIS Rules on mandatory reporting any incident reported to CARL or SAPOL is also to be reported to the NDIS reportable incidents Commission. Refer to Q325 for further details.

If a disclosure of abuse is made, the person who receives the disclosure will maintain appropriate support to the one making the disclosure. This will include:

- Treating each allegation seriously and not attempting to deny the allegation or minimise its impact on the alleged victim so that the matter is not overlooked.
- Not pushing the child to disclose details of the alleged assault or attempting to investigate the allegation.
- Ensuring the child understands that their disclosure is being taken seriously; that what has happened is not their fault and that they are correct in disclosing the incident.
- Reporting the abuse to the appropriate authorities (CARL).
- Not making contact with the alleged perpetrator. If Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service personnel are already providing counsel to the alleged perpetrator, it may be advisable for another person to assume this responsibility for the duration of any investigation.
- If the alleged assault has taken place recently, clothing worn by the Child should be retained and handed to the police for forensic examination.
- Maintaining confidentiality at all times.

Any disclosures by a child, reports of suspected abuse and all details of the subsequent investigation will be documented and the documents will be held by the Manager in a secure location where a breach of privacy cannot occur.

Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service reserves the right to carry out disciplinary procedures in accordance with its policies and procedures.

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Where an allegation is made, the accused Board Member, employee or Customer/Client of Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service will be removed from all children's activities and programs pending the outcome of all investigations.

**Alcohol and drugs**

The consumption of alcohol or illegal drugs by a child on Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service grounds or during an activity is not to be allowed or condoned by any Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service personnel. Any Child found to be under the influence of alcohol or illegal drugs is to be counselled and the parents/guardians contacted so the Child can be returned to their care immediately.

Any Child required to take prescription medication will provide a letter from their parents/guardians or medical professional to Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service.

**Legal Obligations**

*Child Related Employment Screening*

As per the DCSI Employment Screening Policy, all Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service employees must have a current satisfactory Child Related Employment Screening through DCSI that must be renewed every three (3) years.

Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service conducts Child Related Employment Screening for all employees working with children, as set out in section 8B of the *Children's Protection Act 1993*.

Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service ensures that Employment Screening information is dealt with in accordance with the standards developed by the Chief Executive of DCSI.

**Mandatory reporting**

Section 11 of the *Children's Protection Act 1993* (SA) specifies who is legally mandated to report suspected child maltreatment to statutory child protection services.

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The following people are legally required to report reasonable suspicions of abuse:

- Medical practitioners, dentists, nurses, social employees and pharmacists;
- Police and probation officers;
- Teachers; and
- Support employees and voluntary employees providing children's services.

Maltreatment types for which it is mandatory to report include:

- ♦ Physical abuse
- ♦ Sexual abuse
- ♦ Emotional/ psychological abuse
- ♦ Neglect.

Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service acknowledges that it can be difficult for Aboriginal people and people from culturally and linguistically diverse back grounds to report cases of child abuse and neglect in their communities. Aboriginal personnel will be directed to Children, Youth and Family Services - Yaitya Tirramangkotti. Interpreting services are available through the **SA Government Interpreting and Translation Services - 1800 280 203**.

All reports of child abuse and neglect should also still be made to the **Child Abuse Report Line** (24 hours every day) 13 14 78.

All reports of abuse must be put in writing and retained in confidence on the client file.

Employees making reports of abuse are encouraged to seek feedback about their reports and any subsequent intervention through their Managers.

Failure to notify suspected child abuse and/or neglect is an offence under the Children's Protection Act 1993 and carries a maximum penalty of a \$10,000 fine.

## **Training**

All employees will undertake training in Mandatory Reporting before commencing work with children. A refresher course in Mandatory Reporting will be offered and must be undertaken by all employees every three (3) years. Employees will be issued with a copy of this policy as part of their Induction.

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**Related Legislation**

<b>Policy context:</b> This policy relates to	
Legislation or other requirements	<p>Adoption Act 1988</p> <p>Charter of Rights for Children and Young People in Care, Children's Protection Act 1993</p> <p>Children's Services Act 1985</p> <p>Children's Protection Regulations 2006</p> <p>Crimes Act 1914 Part IIIA, (Child Sex Tourism)</p> <p>Criminal Code Act 1995, (Telecommunications Offences, Subdivision C).</p> <p>Criminal Law Consolidation Act 1935 (Section 49)</p> <p>Family Law Act 1975 (Cth)</p> <p>Family and Community Services Act 1972</p> <p>Geneva Declaration of the Rights of the Child</p> <p>The United Nations Convention on the Rights of the Child</p> <p>Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography</p> <p>Standard 1 Disability Service Standards: Rights</p> <p>Young Offenders Act 1994</p>
Contractual obligations	DHS and NDIS Service Agreements

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### Breaches of This Policy

A breach of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service accept such an argument.

### Documentation

Documents related to this policy	
Related policies	DCSI Employment Screening Policy and Procedure Q108 - Privacy Policy Q201 - Code of Ethics and Conduct Policy Q241 - Customer Feedback Policy Q245 - Risk Management Policy and Plan Q252 - Recruitment and Selection Policy Q308 - Behaviour Management Policy
Forms, record keeping or other organisational documents	Q106 – Incident Report