

Child Safe Environment Policy

Essential Knowledge

Policy Description

This policy reflects Ovation's commitment to providing a safe environment, the right for all children to be treated with respect, to be safe and protected from abuse. It ensures that we create an environment that minimises risk or danger and assists in building an environment which is both child safe and child friendly where children and young people feel respected, valued and encouraged to reach their full potential. The policy includes strategies to encourage and support children to discuss their concerns or issues. It also includes guidelines for reporting suspected child abuse or neglect and provides support if such a claim is reported.

Who must comply?

Staff employed by Ovation on a full/part time, Board members, contract, casual, agent, unpaid and voluntary basis (staff, artists, tutors, agents, volunteers and residents).

What do I need to know?

- As a staff member or artist/contractor engaged by Ovation to work at our after-school centres, South Australian schools, or with students from a South Australian school or pre-school you must complete a DECD approved Responding to Abuse and Neglect (RAN) seven hour face to face course prior to your engagement.
- You must report any suspicion on reasonable grounds that a child is being abused and/or neglected. Failure to notify is a criminal offence and carries a maximum penalty.
- Consult the Child Safe Environment Policy and Procedures when dealing with a suspected abuse and neglect.
- Do not leave any child alone, unsupervised, or left alone with an adult for any period of time.
- Do not form sexual relationships with participants.
- Respect the privacy and confidentiality of staff, participants and clients at all times.

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Child Safe Environment Policy

1. Background

The *Children's Protection Act 1993* requires organisations that provide certain services to children to create and maintain a child safe and child friendly environment. In this context, a child safe environment is one which protects children from abuse and harm, and where children and young people feel respected, valued and encouraged to reach their full potential. Also included is the requirement under the law for certain people to report suspected abuse and neglect.

It is Ovation's responsibility to provide a safe work environment, which includes a duty of care for employees and participants' health and wellbeing. This policy complies with our obligations under the *Children's Protection Act 1993*, including *Section 8B-8D - Child Safe Environments* and *criminal history assessments for people working with children* and *Section 11 – Mandatory Reporting*.

Ovation is officially recognised as a Child Safe Environment company.

2. Purpose

This policy has been developed with reference to the *Children's Protection Act 1993*, and has been created to promote the safety and wellbeing of children and young people participating in our program, activities and events.

3. Scope

Ovation requires all existing employees, volunteers, artists and residents who have contact or work in close proximity on a regular basis with children/young people, to report any suspected cases of child abuse or neglect.

The policy includes strategies that aim to encourage and support children to discuss their concerns or issues. It also sets out guidelines for appropriate conduct around children and young people, reporting concerns of suspected child abuse or neglect and provides support if such a claim is reported.

4. Definitions

Mandated Notifier/Mandatory Reporter: Any person who delivers services to children or young people.

CARL: Child Abuse Report Line

Official Duties: Activities performed by an employee as part of their regular official responsibilities.

DECD: Department for Education and Child Development

DCSI: Department for Communities and Social Inclusion

RAN: Responding to Abuse and Neglect

Limited Confidentiality: some legal requirements, such as mandatory reporting, which override a child or young person's right to confidentiality.

5. Policy Statement

Ovation is committed to providing an environment which is both child safe and child friendly where children feel respected, valued and are encouraged to reach their full potential. Under *Section 6(1)* of the *Children's Protection Act 1993* the abuse and/or neglect of a child is defined as:

(a) Sexual abuse of the child; or

(b) Physical or emotional abuse of the child, or neglect of the child to the extent that:

(i) the child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's wellbeing; or

(ii) the child's physical or psychological wellbeing is in jeopardy.

Ovation will not tolerate incidents of child abuse or neglect. All Ovation employees and volunteers are required to understand their obligation to notify the Child Abuse Report Line (CARL) on 13 14 78 as soon as practicable if they have a reasonable suspicion that a child/young person has been, or is being, abused or neglected.

If you are unsure whether you have a suspicion on reasonable grounds to notify, it is recommended that you consult with a social worker by calling CARL on 13 14 78 (24 hour service). It is the role of CARL to assess the notification and determine whether action is warranted. Failure to notify is an offence under the *Children's Protection Act 1993* and will incur a fine to the individual and possibly the organisation.

4.1 Mandated Notifier

It is the policy of Ovation Centre of Performing Arts that all employees be trained as Mandated Notifiers under *Section 11 (1) & (2)* of the *Children's Protection Act 1993*. This seven hour face-to-face course is referred to as either Responding to Abuse and Neglect (RAN) or Child Safe Environments. All Ovation staff members are expected to update this training, as required. Ovation also provides opportunities for contractors (i.e. artists) to complete the training and provides relevant information to volunteers. As an employee or volunteer within a Government agency which provides services and is engaged in the delivery of those services to children/young people we have a legal responsibility to report child abuse.

Please note: all artists and/or contractors, engaged by Ovation to work in South Australian schools, or with students from a South Australian school or pre-school must complete a DECD approved Responding to Abuse and Neglect (RAN) seven hour face-to-face course prior to their engagement. Please refer to the procedures document for more information. Once a report has been made staff must follow the advice received from the Department for Communities and Social Inclusion, including any necessary steps to avoid jeopardising any investigation or prosecution.

4.2 Suspicion on Reasonable Grounds

As a Mandated Notifier you are obliged to notify the Department for Communities and Social Inclusion if you have reasonable grounds to suspect that a child/young person has been abused or neglected. Reasonable grounds to notify suspected abuse or neglect might include the following:

- When a child/young person tells you that he/she has been abused/neglected.
- When your own observation of a particular child/young person's behaviour and/or injuries generally leads you to suspect that abuse/neglect is/has occurred.
- A child/young person tells you he/she knows someone who has been abused or neglected. The child/young person could possibly be referring to themselves.

- When someone else, who is in a position to provide reliable information, informs you that abuse/neglect is occurring. This person may be a relative, friend, neighbour or sibling.
- The child/young person's basic physical and emotional needs are not being met or are at risk of not being met.

You may get this information in the following ways:

- Child/young person may tell you something.
- An employee/volunteer or participant may tell you something.
- Someone else may tell you something.
- You may observe something.

4.3 Failure to Report

Failure to notify is a criminal offence and currently carries a maximum penalty of \$10,000. As a Mandated Notifier for Ovation you are obliged to notify and are able to do so without your supervisor's permission or knowledge. The law does not require you to prove the abuse occurred. The law requires that you report suspected abuse on reasonable grounds.

4.4 Legal and Moral Responsibility

Children/young people have the right to be emotionally and physically safe at all times. As an employee or volunteer within a Government agency which provides services and is engaged in the delivery of those services to children/young people we have a legal responsibility to report child abuse. Child protection is the responsibility of the whole community and we all have a moral responsibility to report any incidents of child abuse or neglect.

4.5 Confidentiality

The person who made the report must ensure that the privacy and reputation of the child/young person and the accused is respected by not discussing the details of the case with other staff/people who were not involved in the report being made.

Under *Section 13 of the Children's Protection Act 1993*, your identity as the notifier will not be disclosed unless:

- The disclosure is made in the course of official duties to another person acting in the course of 'official duties'. Eg. Police acting in the matter of a criminal prosecution may need to take a statement from the person who has made the notification.
- The court deems the identity of the notifier as evidence.
- You have consented to the release of your name.

It is important to remember that when working with children/young people you have an obligation to limited confidentiality. Limited confidentiality means that some legal requirements, such as mandatory reporting, which override a child or young person's right to confidentiality. For example, staff should not promise to "keep a secret" before a child or young person discloses information to them.

4.6 Child Safe and Project Risk Management Assessment

Ovation has a documented Child Safe Environment Risk Management Action Plan that identifies, assesses and takes steps to minimise and prevent the likelihood of risk of harm to

children/young people who use our services. Project Risk Management Assessments are also carried out for all Ovation projects, activities and events. This includes assessing where potential harm could occur to our organisation and/or operations by either; but not limited to, injury to person or property, legal, moral/ethical, and financial risks. Areas contained within the assessment template include our program, activities, events, premise and participants; and covering topics such as administration, human resources and organisational culture.

4.7 Commitment to Child Safety

Ovation values and embraces the opinions and views of children and young people. All children and young people who participate in our programs have the right to feel and be safe. We are committed to the safety and wellbeing of all children and young people accessing our services and the welfare of the children in our care will always be our first priority. We ensure that volunteers and employees who work with children have ongoing supervision, support and training. It is our policy that no child/young person will be left alone or unsupervised at any time, or left alone with an adult.

4.8 Children's participation

Employees, artists and volunteers actively encourage children and young people to express their views. We support children and young people who use our services and support them to talk about things that are important to them. We ensure that all classes, workshops and productions are child friendly and not of an intimidating nature. Ovation promotes an environment that is reassuring for children and young people to encourage them to speak up if they have a problem.

4.9 Working with Children in Art

The South Australian Government is committed to upholding and promoting the rights of people to freedom in the practice of the arts, and to encouraging young people and children's involvement in the arts as participants, in the creative process and as members of an audience.

Ovation adheres to Arts SA's and Country Arts SA's *Protocols for Working with Children in Art* by ensuring that:

- Parental consent is provided prior to working with any child under the age of 15.
- The rights of children are protected throughout the artistic process.
- Artworks that involve images of children that have been produced are presented with due care and sensitivity.
- The child's images are not being exploited, and that the use of the image is within the original context of the creative work.

4.10 Code of Conduct and Duty of Care

All employees, artists and volunteers are required to comply with Ovation's Code of Conduct and role model a standard of behaviour to children and young people based on that Code of Conduct.

Arts workers, care providers, teachers and support workers have a special and primary duty to the children and students in their care. This duty of care requires them to refrain from doing things that might lead to a child or student being injured, and requires the worker to

take positive steps toward maintaining health and safety. An employee could be found to be negligent if assistance was not provided to an ill or injured child or student.

Ovation ensures the highest quality of care for each and every child entrusted in our care. A Health, Safety & Wellbeing form must be completed for every child in our care in case emergency medical treatment is needed.

Ovation acknowledges it is morally and legally unacceptable to form sexual relationships with the young people with whom we work and will not be tolerated. This includes all sexually directive behaviours such as expressing attraction, flirting, touches, gestures or advances. Language used should be appropriate for the age group, and there must be a constant awareness of the sensitivity of appropriate language including but not limited to blasphemy and swearing. *For further detail please refer to Code of Conduct.*

4.11 Work Health and Safety

All artists, tutors and contractors engaged on site must be aware of and are compliant with the organisation's occupational health, safety and welfare obligations. The *Work Health and Safety Act 2012* requires:

- Employers to ensure the health, safety and welfare at work, of their employees by provision of a safe working environment and safe systems of work.
- Protection of the public from risks to health or safety arising from or in connection with the activities of those at work.
- Employers to prepare and maintain policies relating to occupational health, safety and welfare at the workplace.
- Employees to take reasonable care of the health and safety of others and to cooperate with employers in their efforts to comply with occupational health and safety requirements and to ensure they are not, by use of alcohol or a drug, in a state which may endanger their own safety or the safety of any other person at work.

4.12 Support for Employees and Volunteers

Ovation seeks to attract and retain the best employees and volunteers. We provide support and supervision to ensure staff feel valued, respected and are treated fairly. It is our policy that no child/young person is left alone or unsupervised at any time, or left alone with an adult. We make sure that employees, volunteers and artists who work with children/young people or in close proximity with children/young people have ongoing supervision, support and training. This ultimately enhances their performance and promotes and maintains a child safe environment.

Staff and volunteers must be aware that their role working with children/young people does not involve counselling, but rather work with them to connect them with a suitably qualified professional. If a child/young person discloses information which indicates that the child/young person may be at risk, the staff member/volunteer's role is to provide support and not investigate the claim.

In all cases where a report is made to the Department for Communities and Social Inclusion excluding cases where allegations are made about the Chief Executive, the Chief Executive is to be informed that a report has been made. The Chief Executive will ensure that the staff

member/volunteer/mandated notifier receives appropriate support and debriefing, and if required, access to professional counselling.

4.13 Allegations involving staff members

If a report is made against a staff member, artist, volunteer, Chief Executive or panel member, the seriousness of the allegation and evidence will be taken into account. Such an allegation may result in immediate temporary suspension, disciplinary action or instant dismissal. Their absence will be explained to other staff members without revealing the allegation.

Ovation management is to be notified immediately about any allegation made against an Ovation staff member, artist or volunteer. This may result in immediate temporary suspension, disciplinary action or instant dismissal.

While the case is being investigated by the Department for Communities and Social Inclusion, it may be negotiated for the accused to perform their duties from another location, take any leave or be suspended on full pay. If the accused admits the allegation or the police charge the accused will be suspended without pay.

4.14 National Police Clearance/Child-Related Employment Screening

All Ovation employees, contractors and volunteers over 18 years of age are required to undergo a current National Police Clearance with SAPOL or a Child-Related Employment Screening with DCSI, specifically for the purpose of working with children prior to commencing engagement with the organisation.

Under the *State Records Act 1997 - General Disposal Schedule for Records Management*, employers are not allowed to retain copies of criminal history checks on file. Ovation will only view the criminal history and make a record of sighting the document, decision made (in relation to appointment/engagement) and the reasons why, if required.

It is our policy that people convicted of any offence involving violence, neglect or any sexual offence against adults or children will not be engaged in paid or voluntary roles with Ovation, regardless of the time that has elapsed since the offence.

6. Procedures Title

Child Safe Environment Procedure

7. Responsibility for implementation

- The CEO will advise staff members of the new policy and procedures immediately.
- The Policy Administration Officer will advise all Ovation staff members that the Child Safe Environment Policy and Procedure will be available to view on the Ovation Server. The policy and procedure will be listed on the Ovation Policy webpage.
- The Child Safe Environment Policy and Procedure will be included in the Ovation Staff, Artist, Volunteer and lecturer Induction process.

8. Policy Status

Created: 1 January 2011

Reviewed: 2 November 2015

Review Date: 2 November 2017

9. Key Stakeholders

Ovation staff, clients and students.

10. Approval Body

Ovation Strategic Team: 1 January 2011

11. Legislation

Children's Protection Act 1993

South Australian Public Sector Act 2009

South Australian Public Sector Employees Code of Conduct March 2009

State Records Act 1997 - General Disposal Schedule for Records Management

Work Health and Safety Act 2012

12. Related Policies / documents / resources

Health, Safety & Wellbeing Form

Child Safe Environment Risk Management Action Plan

Code of Conduct and Procedure

Employment Clearance for Working with Children and Procedure

Guidelines for Mandated Notifiers, Department for Communities and Social Inclusion

Mandatory Notification: A Practical Guide for Organisations, Department for Communities and Social Inclusion

Definitions and Indicators of Abuse and Neglect, Department for Communities and Social Inclusion website www.dcsi.sa.gov.au

13. Next Review Date

This Policy is due for review 2 November 2017.

This Policy will be reviewed on a two yearly basis. However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy will be reviewed immediately and amended accordingly.

Acknowledgment

In developing this policy Ovation has drawn on resources prepared by the Department for Education and Child Development, Department for Communities and Social Inclusion, Arts SA's and Country Arts SA Protocols for working with Children in Art.

Disclaimer

This policy does not represent legal advice. If you have any queries about your obligations, you should seek your own independent legal advice.