

## *CHILDREN'S PROTECTION*

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General Manager*

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## SPECIAL NOTICE

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The development of this policy is to evidence Skill Lab's understanding of the requirements of Children and Young People's safety in the event that policy changes.

## Documents

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Complaint/Appeal Report Form FM110

## References

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Children and Young People (Safety) Act 2017

[https://www.legislation.sa.gov.au/LZ/C/A/Children%20and%20Young%20People%20\(Safety\)%20Act%202017.aspx](https://www.legislation.sa.gov.au/LZ/C/A/Children%20and%20Young%20People%20(Safety)%20Act%202017.aspx)

[Children and Young People \(Safety\) Regulations 2017](#)

[Children's Protection Act 1993](#)

[Children's Protection Regulations 2010](#)

[Children and Young People \(Safety\) \(Transitional Provisions\) Regulations 2017](#)

National Framework for Protecting Australia's Children 2009-2020 <https://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyones-business>

Complaint Policy POL020

Appeal Policy POL002

Risk Management Policy POL013

Risk Management Plan POL014

Policy Framework and Dissemination Policy POL039

Code of Practice POL033

Internet, Communications, Technology (ICT) Policy POL044

VET Quality Framework (<https://www.asqa.gov.au/vet-registration/understand-requirements-registration/vet-quality-framework>)

Standards for Registered Training Organisations (RTOs) 2015 Cwlth [Standards for Registered Training Organisations \(RTOs\) 2015 Cwlth USERS GUIDE](#) (<https://www.asqa.gov.au/standards>)

[National Vocational Education and Training Regulator Act 2011](#)  
(<https://www.legislation.gov.au/Details/C2017C00245>)

## Purpose

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Under the Children's Protection Act 1993 it is law that all persons tasked with the care of minor children (under the age of 18) must have current Criminal History Checks and best practice that they undertake Child Safe Environment training.

The Children's Protection Act 1993 places a duty of care on the organisation and all persons individually who deal with children under the age of 18 years of age whether in an employed or voluntary capacity.

The purpose of this document is to ensure that all Skills Lab employees and contractors are aware of their responsibilities in relation to the protection of children as it applies to their engagement with Skills Lab.

## Scope

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This policy applies to:

- all persons and entities acting in concert with, on behalf of or employed or engaged by Skills Lab;
- students and parents.

All Skills Lab Students have access to fair, equitable, professional and timely support mechanisms and networks.

All Skills Lab minor children have the right to have access to a safe environment.

## Definitions

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Abuse	: For the purposes of this policy/procedure 'abuse' to will include but may not be limited to inappropriate behaviours such as:
	<ul style="list-style-type: none"> <li>▪ inappropriate Physical contact;</li> <li>▪ Inappropriate discussion;</li> <li>▪ Threatening behaviour;</li> <li>▪ Mental or physical cruelty/mistreatment;</li> <li>▪ Solicitous behaviour;</li> <li>▪ Taking images of children for any purpose other than those required for RTO and having written permission on file from the parent;</li> <li>▪ Discriminatory behaviours including harassment and bullying.</li> </ul>

Act	: The Children's Protection Act 1993 as amended 2011 or from time to time.
Child Safe Compliance Statement	: Statement that must be lodged with the Department of Education by all organisations that demonstrates they comply with the minimum requirements for establishing and maintaining a child safe environment.
Child Safe Environment Accreditation	: Accredited training for trainers of Child Safe Environment Training.
Child Safe Environment Training	<p>Previously known as Mandated Notification. A one day course for the identification of signs of possible child abuse and legal reporting requirements.</p> <p>Currency has duration of 3 years.</p>
Children	<p>: Persons less than 18 years of age.</p> <p>Where the term 'Children' is used it will include parents.</p>
Childrens Protection Officer	: Childrens Protection Officers are the Senior Trainers at each location in Australia and Off-shore.
Child Related Employment Screening	: includes a National Police Clearance and an assessment based on the resultant report as to the suitability of the individual for the role applied for.
DHS	: Department of Human Services
Student Support Officer	: Student Support Officers are the Senior Trainers at each location in Australia and Off-shore.
Mandated Notification	: Legal requirement to report suspected cases of abuse or neglect.
Minor Child (Children)	: A person aged less than 18 years
Operations support contractors	: A person or entity subcontracted by Skills Lab to provide services that are directly related to the provision of Training operations e.g. Compliance Officers, Trainer/Assessors, and Business Development Officers. This does not include persons or entities who provide trade services such as plumbers, carpenters unless they are in direct contact with minor children for extended period of time such as a building project of several weeks.

## Policy

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### Compliance

This policy complies with:

- 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.
- Child Safe Environments: Principles of Good Practice and Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children issued by the Chief Executive of the Department for Families and Communities.

### Child Safe Policy

It is the policy of Skills Lab to ensure that all children who may access Skills Lab services feel and are safe and respected.

It is the policy of Skills Lab to ensure that all persons who will or may have contact with minor children will be required to:

- meeting the requirements of the Working with Children Check as outlined in the Working with Children (Criminal Record Checking) Act 2004 by providing evidence of Child-related Employment Screening that is not more than 3 years old;
- Current Child Safe Environment Training not more than 3 years old.

Skills Lab will utilise the services of Department Families & Community Inclusion for the generation of the Criminal History Check Assessment.

All Child Related Employment Screening will be conducted on a minimum of a 3 yearly rotation.

### Commitment to Child Safety

Skills Lab is committed to the safety and well being of all of our clients and of particular priority that of children.

Children will be supervised at all times during Skills Lab service provision.

All staff dealing with children will be provided with all reasonable support and supervision.



## Children's Protection Officer

Whilst not compulsory, the General Manager has appointed the Senior Trainers at each location in Australia and Off-shore as Children's Protection Officers.

The Children's Protection Officers' role will include:

- First point of contact to provide advice and support to children, parents, staff and other Skills Lab stakeholders in regards to child safety and well being; and
- Maintaining up to date knowledge of Children's Protection issues; and
- Acting as the information and procedural conduit between regulatory authorities, Board of Management, staff, children and parents and other Skills Lab stakeholders.

## Children's Participation

Skills Lab will not normally have minor children undertaking training for qualifications due to the nature of the qualifications that it delivers, however, it is possible that a minor child may commence training with Skills Lab and therefore its staff and contractors are required to comply with the Act and this policy/procedure.

Skills Lab conducts First Aid Training for school children through the VET Network.

Children who may access Skills Lab's services will be:

- encouraged to make suggestions and provide their point of view and particularly in respect to issues that affect children;
- provided guidance and support in reporting situations where they feel or are unsafe;
- encouraged to raise concerns and have those concerns acted upon.

## Child Safe Environment Training

Child Safe Environment Training is not a legal obligation however Skills Lab requires all employees and contractors who work directly with or have direct contact with minor children to undertake the training.

Child Safe Environment training currency is 3 years. All relevant persons are required to provide the General Manager with evidence of currency the first week of July annually. Where this is not received the General Manager will follow up with one reminder.

## Non Training Contractors and External Providers and Third Parties

When a non training contractor (not delivery of training), external training providers and/or Third Parties are contracted to provide all or a portion of a program, Skills Lab will ensure and have documented in a Memorandum of Understanding that the external provider:

- has competent and appropriately qualified and screened staff available for Skills Lab's program; and
- has a compliant Child Related Employment Screening process for any individual and/or entity acting on their behalf; and
- meets the requirements of the Working with Children Check as outlined in the *Working with Children (Criminal Record Checking) Act 2004*; and
- employees will evidence comprehensive understanding of Child Safe Environments and Mandated Notification requirements; and
- has the appropriate level of public liability insurance; and
- indemnities, disclaimers or other documents are not signed which absolve them or any individual or entity working on their behalf from liability for negligent acts or omissions.

Representatives of the non training contractor (not delivery of training), external training provider and/or Third Parties will be required:

- to provide evidence of the above prior to each renewal of the MoU which will not be more than 3 calendar years; and
- advise Skills Lab immediately of any changes to circumstances for any of the above.

Representatives of the non-training contractor (not delivery of training), external training provider and/or Third Parties will be required to undertake an Induction when attending the Skills Lab premises for the first time and for any purpose which will require them to engage with any minor child on premises. Skills Lab will require the representative to produce evidence of items 2 and 3 above if Skills Lab has not been provided these as attachments to the MoU.

## Procedure

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### Electronic Media

Skills Lab will ensure that any access to internet will have parental controls and restricted sites preventing the accessing of inappropriate and/or dangerous sites for children.

All Skills Lab stakeholders should refer to IT Internet Email policy and in particular that it is prohibited for Skills Lab stakeholders to access, download or in any way engage in pornographic or illicit sites, dispersing of emails containing such content including jokes, accessing Facebook and other social media that is not specifically designed for the support of learning by Skills Lab.

## Pre Employment

### Interview

If Skills Lab changes its policy or allows a Learner under the age of 18, it will ensure that at interview all candidates for employment or contract work for any position within Skills Lab will be advised of the requirements to provide at a minimum within their probationary period and permit Skills Lab to retain copies of Child Safe Environment evidence being:

- evidence of current Child Safe Environment Training;
- a satisfactory Child Related Employment Screening ;

Work with minor children until satisfactory evidence is provided will be under supervision at all times.

Continuance of employment will be dependent upon successful completion of probationary period and a clear Child Related Employment Screening and current Child Safe Environment Training.

### Child Related Employment Screening

Prior to employment/engagement of new employees and/or contractors Skills Lab will either:

- request and assess current Child Related Employment Screening provided by the candidate/contractor;
- request Child Related Employment Screening through DHS in relation to the candidate/contractor.

To ensure that Child Related Employment Screening as set out in section 8B of the *Children's Protection Act 1993* is met Skills Lab utilises DHS services.

### External Providers & Third Parties

Skills Lab will require all External Providers & potential Third Parties working with any minor Skills Lab student(s) to:

- provide evidence that they comply with the Working with Children Check as outlined in the *Working with Children (Criminal Record Checking) Act 2004*; Act; and
- provide evidence that they have relevant and active policies and procedures in place *to support their claims; and*
- allow Skills Lab to review the above on a regular basis as may be determined by Skills Lab; and
- allow Skills Lab to retain copies of the evidence

### Employees & Contractors

Skills Lab will require all employees and contractors working with minor children to provide evidence:

- in the first week of July of each year of current Child Safe Environment Training – updated every three years from date of first course;

- Child Related Employment Screening – updated no as a minimum every 3 years.

Skills Lab will ensure that employees who work with children have ongoing supervision, support and training to ensure the promotion of a child safe environment in which they can develop.

## CHILDREN'S COMPLAINTS PROCESS

Children may make a complaint verbally and directly to any Skills Lab staff member with whom they feel most comfortable to do so.

The staff member will:

- immediately advise the Children's Protection Officer of the allegations;
- then assist the child or children and their parent(s) to access and formalise the Skills Lab complaints process. Please refer Complaints Policy.

## REPORTING OF SUSPECTED ABUSE OR NEGLECT

### Recording

When recording events/reports that relate to a Skills Lab representative the following must be followed:

- ensure accuracy of content - the allegations and responses are to be recorded in detail at the time the allegations are reported;
- include:
  - name and contact details of all parties to the report and of parent/guardians;
  - date and time;
  - statement that the person recording the allegations has advised the alleged victim that they are required by law to report the allegations to the authorities;
- must be word processed;
- where the allegation has been reported to the authorities record details of time, date and name and contact details of person the report was made to;
- signed and dated by all parties to the report;
- copy given to the alleged victim;

Where the allegation is about a Skills Lab representative a copy is to be handed to General Manager for secure filing.

Where the report refers to a person who is not a Skills Lab representative the notifier should retain a copy securely filed privately for future reference if required by an investigation. Skills Lab should not be included in this process.

## Suspected Issue External to Skills Lab

Where an allegation involves a Skills Lab representative the member of staff, contractor or other stakeholder must report the allegation immediately and directly to the Child Abuse Line 13 1478.

The reporter is to deal solely with the Child Abuse Line and it is suggested that they personally keep a copy of the report and allegation details securely and privately filed in the event they are called on by authorities.

Skills Lab is not a party to this report.

## Suspected Issue Internal to Skills Lab and/or its Third Parties

Where the allegation involves a Skills Lab representative in all instances of suspected abuse or neglect the child or children's responses will be taken to be valid and will be the catalyst for actions. This does not mean that Skills Lab will consider the alleged perpetrator as guilty prior to a complete investigation. Skills Lab will take the actions it finds most appropriate to protect all parties.

Skills Lab will conduct all investigations in a respectful, fair and open manner, applying the laws of natural justice and complying with relevant legislation.

All staff, contractors and other stakeholders must report immediately and directly to the General Manager any suspected or actual evidence of abuse or neglect of a child client by any member of Skills Lab staff or its stakeholders.

The Children's Protection Officer will immediately investigate the situation by:

- speaking with the child or children in question;
- where the Children's Protection Officer determines that the report was in error the person having made the report may be provided with additional Child Safe Environment training;
- where the Children's Protection Officer determines that the report is justified and that abuse has occurred or that there is sufficient evidence to indicate the possibility of abuse or neglect a report will be made immediately to Child Abuse Line 13 1478.
- Where the Children's Protection Officer determines that the report was maliciously or frivolously made without substance the person having made the report will face disciplinary action which at its fullest extent will include termination of employment or contract or expulsion from study with Skills Lab.

## STAKEHOLDER INVESTIGATION OR CHARGED WITH SERIOUS CRIMINAL OFFENCE

### Investigation

Where a Skills Lab stakeholder is under investigation for a serious criminal offence Skills Lab will require that the individual or entity to immediately suspend all work or services, without payment, until the matter is resolved. The suspension of work or services does not indicate Skills Lab's judgement of the individual or entity.

## Allegations Not Upheld

Where allegations are not upheld and Skills Lab has reasonable and serious concerns that the alleged perpetrator may have conducted themselves in an inappropriate manner Skills Lab reserves the right to terminate the individual or entities employment, contract or services. Legal required payments will be made.

Where allegations are not upheld and Skills Lab has reasonable unsupported concerns that the alleged perpetrator may have conducted themselves in an inappropriate manner Skills Lab reserves the right to reinstate the individual or entities employment, contract or services with the condition of close monitoring/supervision for a period to be decided by Skills Lab. Payment for the suspension period will be back paid in this case.

Where allegations are not upheld and Skills Lab is sufficiently convinced that the alleged perpetrator did not conduct themselves inappropriately Skills Lab will reinstate the employment, contract or services of the individual or entity. Payment for the suspension period will be back paid in this case.

Where allegations are upheld, i.e. charges are laid, please refer to Charged with Serious Criminal Offence below.

## Charged With Serious Criminal Offence

Where an individual or entity representatives are charged with a serious criminal offence Skills Lab will maintain suspension of employment or services, without pay, until such time as the issue has been resolved.

Where charges are not upheld and Skills Lab has reasonable and serious concerns that the alleged perpetrator may have conducted themselves in an inappropriate manner Skills Lab reserves the right to terminate the individual entities employment, contract or services. Legally required payments will be made.

Where allegations are not upheld and Skills Lab is sufficiently convinced that the alleged perpetrator did not conduct themselves inappropriately Skills Lab will reinstate the employment, contract or services of the individual or entity. Payment for the suspension period will be back paid in this case.

## PRIVACY & CONFIDENTIALITY

All reports of suspected issues must be treated with the highest confidentiality and in line with Skills Lab Privacy Policy and the Privacy Act 1988 -Privacy Amendment (Enhancing Privacy Protection) Act 2012. The only persons privy to reports are:

- the person making the report – limited to the lodgement of their report only;
- the parties involved – limited to their input only;
- the General Manager – all information provided from all parties;
- Child Abuse Report Line and those delegated by law to investigate and conduct further proceedings.

A notifier must not discuss any report, whether proven or not, with any individual or entity unless required to do so by law.

All discussions related to a Student intervention must be kept confidential and records and information relating to the intervention must be recorded and filed in line with this policy and procedure, Skills Lab Privacy Policy, Record Management Policy and the Australian Privacy Principles of the Privacy Act 1988. Where there is a difference between any of these the greater level of privacy will be implemented.

Breaches of privacy will be subject to disciplinary action for Skills Lab employees, termination of contract for contractors, cancellation of training contract for partner RTOs and potential discontinuance of Vocational Hosting arrangements for Host Employers.

Any person found to have breached the privacy and confidentiality of a report or a child or children's privacy will be subject to summary termination of employment or contract.

## Responsibilities

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### General Manager

It is the General Manager's responsibility to:

- determine whether a breach in privacy is justified to ensure the safety and well being of a minor child and implement an external intervention; and
- through the General Manager to ensure that all employees, operations support contractors, external providers and partners meet the obligations of this policy and the Working with Children (Criminal Record Checking) Act 2004; and
- Skills Lab does not breach the provisions of this policy or the Act.

### Senior Trainers as Children's Protection Officers

It is the Children's Protection Officers' responsibility to:

- determine whether a breach in privacy is justified to ensure the safety and well being of a minor child and make a report for external intervention under Mandated Notification;
- ensure that all employees, contractors, external providers and partners meet the obligations of this policy and the Act;
- Skills Lab does not breach the provisions of this policy or the Act and acts within Mandated Notification requirements.

### Staff & Stakeholders

It is the responsibility of all employees and contractors to:

- ensure that when in direct contact with children they conduct themselves in an appropriate and respectful manner at all times;
- abide by the Code of Conduct – Employees;
- ensure that they abide by the requirements of the Act in regards to suspected reportable situations;
- to comply with this policy and provide Skills Lab with evidence of currency the first week of July each year along with their Professional Development evidence;
- to immediately report to the Children’s Protection Officer their suspicions that a participant may harm themselves or others, or that the participant is suffering from serious/critical personal issues;
- to immediately report to the Children’s Protection Officer their suspicions that an External Provider or Partner is not meeting their obligations under this Policy.

## Students

It is the responsibility of all students, minor or adult, to:

- abide by the Student Code of Conduct;
- immediately report any instance of abuse by any stakeholder to any person by informing the person with whom they feel most comfortable doing so.

## Third Parties

It is the responsibility of External Providers and Third Parties to ensure that they meet the requirements of this policy and in particular:

- compliance with the Working with Children Check as outlined in the *Working with Children (Criminal Record Checking) Act 2004*;

and

- maintaining relevant and active policies and procedures in place to support their claims;



## Applicable Standards

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### Standards for Registered Training Organisations 2015

***Standard 1: - The RTO's training and assessment strategies and practices are responsive to industry and learner needs and meet the requirements of training packages and VET accredited courses.***

Clause 1.7:

The RTO determines the support needs of individual learners and provides access to the educational and support services necessary for the individual learner to meet the requirements of the training product as specified in training packages or VET accredited courses.

***Standard 8 - The RTO Cooperates with the VT Regulator and is legally compliant at all times.***

Clause: 8.5

The RTO complies with Commonwealth, State and Territory legislation and regulatory requirements relevant to its operations.

Clause: 8.6

The RTO ensures its staff and clients are informed of any changes to legislative and regulatory requirements that affect the services delivered.