



CityLight South Church

Safeguarding Children
and Young People

Policy and Procedural
matters



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SECTION 1

Safeguarding Children and Young People

Biblical Principles

Children are fearfully and wonderfully made in the image of God and should be cherished and nurtured in the Lord by families and the Church. The Church should be a place of refuge, given to the care and spiritual development of all, including our children. We believe that any harm to children and young people is the result of sin against God and contrary to the person and practices of Christ. The principle that should govern all our actions and is the end of the matter is: “Love the Lord your God with all your heart [and] love your neighbour as yourself. For complete reference, see appendix A.

Preamble


In context of these principles, the objects of this policy are to protect as far as possible children from being at risk of harm or being harmed and to ensure their safety and wellbeing.

Protection for children: 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 aligns with the National Principles for child safe organisations, (a set of 10 national 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.

National Principles for Child Safe Organisations

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1 Child safety and wellbeing is embedded in organisational **leadership, governance and culture**.
- 


2 Children and young people are informed about their **rights, participate** in decisions affecting them and are taken seriously.
- 

3 Families and communities are **informed and involved** in promoting child safety and wellbeing.
- 

4 **Equity** is upheld and **diverse needs** respected in policy and practice.
- 

5 People working with children and young people are suitable and **supported** to reflect child safety and wellbeing values in practice.
- 

6 Processes to respond to **complaints and concerns** are child focused.
- 

7 **Staff and volunteers** are equipped with the knowledge, skills and awareness to keep children and young people safe through **ongoing education and training**.
- 

8 **Physical and online environments** promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- 

9 Implementation of the national child safe principles is **regularly reviewed and improved**.
- 

10 **Policies and procedures** document how the organisation is safe for children and young people.



Australian Government

For more information, please visit
<https://pmc.gov.au/child-safety>
<https://childsafesafe.humanrights.gov.au/>

Every child and young person has a right to be always safe from harm. The wellbeing and best interests of children and young people are the responsibility of the entire church community who must act to ensure that every environment where children and young people are present is safe.

The focus of a child safe church 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 children and young people feel respected, valued, and encouraged to reach their full potential.

This policy seeks to demonstrate the Church's commitment to:

- a. the safety and protection of children and young people;
- b. how workers recognise and respond to suspicions a child or young person is at risk;
- c. standards of care for ensuring the safety of children and young people including standards for addressing bullying by children within the Church;
- d. a code of conduct for workers within the Church;
- e. a code of conduct for children and young people served within the Church;
- f. standards of care for workers within the Church that reflect the Church's duty of care to children and young people.

This policy affirms that:

- a. The safety and wellbeing of children is to be the paramount consideration insofar as it is within the power of CLSC to promote it.
- b. Children are to be protected from any form of harm or risk of harm.
- c. In dealing with harm to children, CLSC is to put the interests of victims and children generally above those of the Church.

1. General Principles

The principles and philosophy that underpin child safety in Australia are based on the United Nations Convention on the Rights of the Child which emphasises that:

- a. *all children have equal rights to protection from abuse and neglect*
- b. *all children should be encouraged to fulfil their potential and inequalities should be challenged*
- c. *all children 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 children*
- e. *organisations shall take all appropriate legislative, administrative, social and educational measures to protect children from all forms of harm or risk of harm, or negligent treatment, while in their care*
- f. *organisations have a duty of care to children 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 children in their partners' programs.*

We see such a commitment as flowing naturally from our vision and mission to operate according to biblical principles for living and for recognising the unique value and potential of every person.

2. Mandatory reporting

An obligation rests upon all CLSC 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 CLSC 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, CLSC recognises these obligations, alongside meeting the legislative requirements of the Children and Young People (Safety) Act 2017.

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.

For specific excerpts of this legislation, see Appendix B at the end of this document.

3. Involvement of perpetrators of harm in Church activities

Where CLSC knows, believes or reasonably suspects that any person associated with CLSC 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 child and young person-related work have undergone a comprehensive screening and suitability assessment prior to their engagement by CLSC as detailed in the **Procedural Section 2 Part B, Para 6**.

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. CLSC will comply in full with the requirements of this Act.

4. Co-operation with authorities

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

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

5. 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 CLSC 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 the Board.

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 Board does not serve as an investigatory body, but exists only to determine interim measures for engagement of a worker pending any legal investigation.

6. Training

CLSC staff and volunteers are expected to attend regular child protection and professional standards training programs made available by CLSC.

All persons serving in the following roles must attend training by an approved external provider no less than once every two years:

- Elders and Deacons
- Employees of the Church
- CityLight South Kids and Youth workers

All other volunteers must attend all relevant training as pertaining to their area of service, wherein the principles and procedures of this policy will be covered.

7. Worker Serving Agreement

All workers are to complete a Worker Serving declaration dealing with their suitability to be workers and agreeing to this Safeguarding Children and Young People policies and procedures.

8. Manual of procedures

CLSC will publish a manual (**section 2 of this document**) containing procedures matters for implementing this Safeguarding policy.

9. Code of Conduct for Children and Young People

CLSC will publish a Code of Conduct for Children and Young People who are participants in a children or youth activity of the Church.

10. Code of Conduct – Safeguarding Children and Young People

CLSC will publish a Code of Conduct for all workers who serve young people, and CLSC shall provide a template (Appendix C). This Code of Conduct shall be signed by all workers.

This Code of Conduct details the standards of conduct expected by workers who serve young people and provides guidance where there may be a need to make personal and ethical decisions.

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

- Temporary suspension from duties while a decision is reached on the breach.
- Modification of duties.
- Imposition of conditions on any continued involvement in Church activities.
- Requirement of non-communication with children, young persons, or specified persons.
- Suspension of duties
- Revoke or modify any previous decision.
- Being reported to the police and charged with a criminal offence.

11. 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. CLSC will review this policy every three years and on a needs basis to respond to any identified risks. The Board will be responsible for initiating this process.

This policy will be reviewed in June 2026 and the Board will lodge a new child safe environments compliance statement after each review.

SECTION 2

SAFEGUARDING PROCEDURAL MATTERS

Safeguarding Children and Young People

Part A Further definition of “harm”

Part B Worker and child/young person safety responsibilities

Part C Miscellaneous

Preamble

This manual sets out specific procedural matters which give effect to the Safeguarding Children and Young People Policy of the CityLight South Church in meeting legislative requirements. It also prescribes other good practice processes that are expected to be applied in ensuring a child safe environment.

Definitions

In addition to the general definitions, where legislative references are made in these procedures, the definitions are predominately from the *Children and Young People (Safety) Act 2017*. **(General definitions and relevant excerpts of CYP SA 2017 are available from the Church on request.)**

PART A: FURTHER DEFINITION OF HARM

1. 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:

- 1.1. **Emotional harm**, meaning: A chronic attitude or behaviour directed at a child whereby a child'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's psychological and/or physical development. Behaviours may include devaluing, ignoring, rejecting, corrupting, isolating, terrorising or family violence.
- 1.2. **Physical harm**, meaning: Any non-accidental act inflicted upon a child, which results in physical injury to the child. Physical abuse results from practices such as but not limited to
 - 1.2.1. Hitting, punching, kicking (indicators: marks from belt buckles, irons, fingers, cigarettes, etc.)
 - 1.2.2. Shaking (particularly young babies)
 - 1.2.3. Burning, biting, pulling out hair
 - 1.2.4. Alcohol or other drug administration
- 1.3. **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 their power to involve the child/young person in sexual activity.

Such 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.

- 1.4. **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.
- 1.5. **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.
- 1.6. **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 faith-based organisation, CLSC undertakes to take reasonable care to guard young people against spiritual harm. Young people will be encouraged to consider and believe the claims of Jesus and the Bible as good news for them and for the world. Young people will have the freedom to say 'no' to belief in Jesus, and they will be invited to continue exploring His importance to their lives.

2. Reporting a suspicion that a young person may be at risk

- 2.1. Any worker who suspects, on reasonable grounds, that a child or young person is, or may be at risk, and this suspicion is formed in the course of their work, must report this suspicion to the C.A.R.L. as soon as practicable.
- 2.2. This obligation is placed on all workers by s30 & s31 CYPISA. It is a criminal offence not to comply with this obligation without a lawful excuse. CLSC cannot negate or modify this obligation (refer Appendix B).
- 2.3. Reporting to C.A.R.L. is done by telephoning the 24-hour Child Abuse Report Line on 131478.
- 2.4. Reasonable grounds to form a suspicion that a child or young person may be at risk, may include but is not limited to:
 - 2.4.1. When a child tells you they are at risk or have been harmed
 - 2.4.2. When your own observations of a particular child's behaviour and/or injuries lead

you to suspect they are at risk or harm is occurring

2.4.3. When a child tells you that they know of someone who is at risk or has been harmed (they may possibly be referring to themselves)

2.4.4. When you hear about a child at risk from someone who is in a position to provide reliable information, such as a relative, friend, neighbour or sibling of the child

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

2.5. Where a report is made to the C.A.R.L, but only if the child and/or the suspected perpetrator of harm is associated with the Church, the worker must immediately inform the Lead Pastor of the incident.

If the concern relates to the Lead Pastor, the worker should inform another member of the Board (of Elders). A written report (a template is available on request) is also to be given by the worker to the Lead Pastor as soon as practicable.

2.6. 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.

2.7. If a worker has any concern about whether the matter meets the threshold for mandatory reporting, they can consult with the Lead Pastor on whether a report should be made to C.A.R.L or they can contact CARL 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 CLSC Lead Pastor 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 CLSC does not undertake an investigation whilst the Child Abuse Report Line are responding, or the Police or Department for Child Protection are investigating.

- 2.8. 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 2**.

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

- 3.1. The PSC should be engaged to provide crisis response and ongoing consultancy, support, and direction to Church workers throughout the entire process. After-hours access to the PSC can be arranged through the Lead Pastor.
- 3.2. Where a worker reasonably suspects a child is at risk of harm, and is not confident making the notification themselves, they should report the matter immediately to an adult supervisor in their service area, who will then assist the worker to comply with the necessary reporting procedures. Otherwise, the person should make the report directly to C.A.R.L. as soon as possible.
- 3.3. Once the mandatory reporting requirements of 2 above are met, a worker is not to inform anyone else of the suspected harm or risk of harm without the permission of the Lead Pastor. The Lead Pastor 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).
- 3.4. Where there has been a complaint against a worker of perpetrated harm or placing a child at risk of harm, and the parties so agree, their continued service with CLSC during the period taken to make a final determination of whether that worker is guilty of any offence, is to be decided by the Board.
However, the person will not be permitted to work with children and young people until an outcome is known with no prohibiting reasons. The purpose is to ensure the safety and protection of children during this reporting and investigatory stage.
- 3.5. The Board may for the period until the final determination of the allegation, and having due regard to relevant rights / fair practice:
- 3.5.1.1. Suspend the worker.
 - 3.5.1.2. Modify the duties of the worker.
 - 3.5.1.3. Impose conditions on any continued service or involvement by the worker in the activities of the CLSC.
 - 3.5.1.4. Require that the worker not communicate with specified persons.
 - 3.5.1.5. Temporarily suspend the worker and attendance to Church activities while the Board reaches other decisions.

- 3.5.1.6. Revoke or modify any decision it has made.
- 3.6. In performing its functions within the bounds of procedural fairness, the Board is not an investigatory body.
- 3.7. CLSC workers will responsibly and reasonably cooperate with government law enforcement and the Department for Child Protection in their investigation and any prosecution of harm.
- 3.8. 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 service with CLSC and all inquiries about these matters from the media are to be referred to the Lead Pastor or the PSC. (See **Section 2, Part C, paragraph 34**).
- 3.9. Workers are not to make any statements about any risk of harm or actual harm (either suspected or formally prosecuted) encountered during their service with CLSC to any alleged perpetrator or anyone associated with or representing that alleged perpetrator.
- 3.10. Upon receiving any report about risk of harm or actual harm, and a report having been made to C.A.R.L, the Lead Pastor should consult with the PSC about what steps should be taken in respect of it by the Church.
- 3.11. The Lead Pastor is to ensure that all appropriate pastoral care/professional support is made available to all persons associated with the Church who are impacted by an allegation. This support will align with relevant policies and procedures.
- 3.12. Workers are to be alert to any indicators of trauma related behaviours including:
- When a child says that they have been harmed.
 - When a child or adult says that they know of a child subject to harm; or
 - Observations of a child'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 is being harmed.

Workers should:

- Listen to the child/young person.
- Not ask leading questions.
- Reassure the child that you believe them.
- Reassure the child that what has happened is not their fault.
- Reassure the child that telling you was the right thing to do.
- Document the child's disclosure as soon as possible.
- When documenting the disclosure use the same terminology as the child.
- Not make promises which cannot be kept, such as confidentiality.
- Reassure the child 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.

4. Managing potential perpetrators in the Church

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

This proactive intent has specific application in a context where many people who attend a public service, may not be subject to worker or server provisions, but attend for personal worship.

While the ***Child Safety (Prohibited Persons) Act 2016*** has specific provisions and associated regulations relating to persons who are prohibited from working with children or young people, a person's attendance at a CLSC public activity does not ordinarily constitute work or service. In this regard a person may attend or seek to attend who is or becomes a known convicted sex offender and / or a Prohibited Person.

In such a case, the safety and protection of children must remain paramount, and a specific proactive protective response must be applied.

The intent is not to create obstacles for such persons to attend church activities, but rather to create pathways for that to occur safely. This may include but is not limited to Individual Attendance and Safety Agreements, Accountability mechanisms, an alternative arrangement outside of the church, referral to another suitable context, small group, or one on one style encounter.

The specific nature of the response and protective strategies should be determined in liaison with PSC and may necessarily be more conditional and restrictive than the general provisions of 4.1 following.

4.1. A person who

4.1.1. is the subject of an unresolved complaint of alleged harm to a child; or

4.1.2. is reasonably suspected by the Church of having at any time engaged in harming a child, or placing a child at risk of harm,

is not to be permitted unsupervised access at any premises controlled by the Church.

If such a person seeks to access to any function controlled by the church, it must be ensured that there is no contact or communication with any child or young person at that function.

The nature and implementation of this requirement will be managed by the Lead Pastor, having regard to the context and particular circumstances.

PART B: WORKER AND CHILD SAFETY RESPONSIBILITIES

5. Role of Workers

Any person in CLSC working with children must:

- Have a current and valid Not Prohibited Working with Children Check conducted by the Department of Human Services (DHS) Screening Unit which is then verified by CLSC.
- Be emotionally and spiritually suited to the role to be undertaken.
- Be properly trained in mandatory reporting / awareness (**Appendix D**).
- 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 6-8 following).
- Have a current written Worker Serving agreement (**Appendix F**)
- Have their performance in such work periodically reviewed.

6. Worker screening and selection processes

A major form of prevention relates to appropriate and stringent screening and suitability assessment processes. Every worker engaged in child related activities must be interviewed, screened, and then recommended as suitable by the leader who has ultimate oversight or management responsibility for that area.

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 CLSC 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 CLSC leadership
- Presentation of references
- The follow up of no less than two referees
- Agreement by the applicant to meet with Lead Pastor if required
- An agreement to read and sign that the Safeguarding Children and Young People Policy has been read and accepted.

A recommendation must then be prepared by the relevant person who has management/oversight responsibility and be submitted to the Lead Pastor for endorsement/approval.

Under normal circumstances no individual should be permitted to work in the areas of children's activities until attending CLSC for a period of not less than six months.

The selection process may include a panel such as the Lead Pastor, Board member, Committee member, etc., as a part of an accountable recruitment, selection, and appointment team.

Special circumstances may apply that include intimate knowledge of an applicant by people within the Church leadership (other than a spouse or family member), or impeccable references from other Churches. Even in these circumstances the applicant should operate under a supervised probationary period of not less than six months, with no key leadership responsibilities. It is recognised that long term and intimate knowledge of a person engaged in this area of activity may reduce components of the above screening and interview process.

It is acknowledged that from time-to-time additional helpers are engaged to provide support in relation to special events/activities. This may include parents or other people within the Church who generously offer their service in terms of additional transport, or supervision during special events. It is unrealistic to expect those who fall into this category on a random basis to undergo additional training. However, where possible a WWCC should be obtained and in some cases must be obtained (see Para 7 following).

In rare instances where a WWCC isn't obtained for an additional/occasional helper in accordance with The *Child Safety (Prohibited Persons) Act*, an authorised leader/worker must be in attendance and always accompany an "unauthorised" person. It is a good practice for the Church to think ahead and have a pool of "occasional" helpers suitably trained and screened.

7. 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) prior to working with children and young people.

This must all be obtained as part of any worker screening / application process.

Verification of WWCC's will be done online through the CLSC 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)). The Lead Pastor will oversee this process.

It is also the responsibility of the Lead Pastor to ensure that all existing workers obtain a WWCC every 5 years, to verify the WWCC that the status remains as not prohibited, to ensure appropriate training is undertaken every two years 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 CLSC 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 CLSC.

If a WWCC check determines a person is prohibited, it will remain the discretion of CLSC to permit individuals to serve within the life of the Church that does not involve them working with people under the age of 18 years or managing those 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 CLSC programs having regard to **Section 2 Part A Para 4** above.

Although a WWCC does not disclose outcomes, where CLSC 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 CLSC 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 declaration / agreement form which agrees to the WWCC requirement.

8. Working with Children Checks – Contractors

All contractors engaged to carry out work on CLSC 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 CLSC DHS portal process.

Where a contractor is simply delivering an item to an authorised CLSC 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 always accompany an "unauthorised" person. However, where possible a Working With Children Check (WWCC) should be obtained and verified.

9. Character Reference Requests

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

10. Worker identification

All workers who provide direct services to children, should be issued with and wear identification tags whilst carrying out their appointed responsibilities. This not only identifies accredited workers but communicates a clear message of professionalism and accountability.

11. Punctuality

Workers and designated helpers should keep to timetables to the best of their ability. If an activity is significantly running overtime, parents should be notified as soon as possible of the new anticipated time that their child/ren 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.

12. Moral wellbeing

Workers must ensure that any television programs, videos, music, magazines and/or displays shown or used as part of Church activities are suitable in content and appropriate to the age group represented and have due regard to CLSC values. Whilst 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 in Church service.

13. Inappropriate behaviour of a worker

Any person who is concerned about the behaviour of any worker in terms of harm or likely harm, must report the matter first to C.A.R.L and then refer the matter to the Lead Pastor or a member of the Board for consideration of what response is deemed appropriate.

14. Bullying

Bullying is a form of persistent harassment, which demeans, threatens, intimidates, or humiliates a person. For any worker to act in such a manner is unacceptable and will not be tolerated and must be reported as soon as possible to the Lead Pastor.

The penalty provision as outlined in **Section 2 Part B Para 3** may apply in part or whole.

15. Child Safety Responsibilities

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

15.2. 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 16 to 34 following contain some processes that are prudent to observe.

16. Participation of Children

16.1. To instill a culture of safety and awareness, children who attend regular programs and activities will participate in an awareness session led by the workers who oversee these activities. Where practicable this will happen whenever there is first contact with a participant, (if not practicable, other arrangements should be made) and then at least annually. In particular, the process for feedback/complaints should be explained to young people and their family/carers at least annually.

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

- 16.1.1. expectations concerning appropriate behaviour
- 16.1.2. when, how, and who to speak to if they feel uncomfortable
- 16.1.3. protective behaviour strategies
- 16.1.4. Other rights, responsibilities, and expectations in line with the Codes of Conduct and the Safeguarding Children and Young People Policy
- 16.1.5. Safety information and procedures applicable to child related activities
- 16.1.6. 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 be made aware that the CLSC Safeguarding Children and Young People Policies and the Codes of Conduct can be obtained on the CLSC 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.

- 16.2. Information may be provided in a simple hand out and/or on a wall poster about services that can assist 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.
- 16.3. Adults and children (who are not prescribed mandated notifiers) can discuss or disclose abuse or harm or seek support and advice by contacting the Lead Pastor.
- 16.4. Children and their parents and their parents should be enabled full opportunity to provide feedback on and make suggestions about young people's services through the CLSC communications systems.

This may include focused 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 CLSC website.

16.5. CLSC will disseminate annually (and more often as required) its latest communication and feedback processes to facilitate the handling of questions, comments, complaints, and compliments. This will be done through Leader Updates and direct email, to all workers.

16.6. As a matter of general practice CLSC will use every opportunity to openly communicate with families and local communities about our child safe focus. This includes canvassing young people, families and local communities for input and comment about our approach.

16.7. The CLSC Code of Conduct/s and Safeguarding Children and Young People Framework are to be readily available to our workers and participants as well as to the public. This includes access 'online' and physically, by application.

17. Care and supervision ratios of workers to children

17.1. There is no fixed ratio, which will necessarily satisfy the duty of care in all situations. It will depend on all the circumstances which will include:

- The age needs and behavioural history of the children present.
- The skills and experience of the workers.
- The environment in which the children are placed.
- The nature of any risks to which the children may be exposed.
- The ready availability of backup if there are difficulties.

17.2. The following table is based on similar tables used in the childcare industry and may be used as a rough rule of thumb, but even compliance with it may not be sufficient to satisfy the duty of care in all situations.

RECOMMENDED MINIMUM SUPERVISION RATIOS:

Under two years of age:	1 approved worker to every 5 children.
Two years to school age:	1 approved worker to every 5 children.
Primary school age:	1 approved worker to every 5 children
Secondary school age Jnr:	1 approved worker to every 10 children
Secondary school age Snr:	1 approved worker to every 15 children

Notwithstanding these minimum ratios it is recommended that, for children of primary school age or younger, a minimum of two (2) workers be always present.

If any lesser ratios are used, it should only be after a conscious and responsible decision by the Church that the supervision provided does satisfy its duty of care for the children.

18. Managing inappropriate behaviours in children

If a young child misbehaves within an CLSC program or activity, firm but gentle verbal correction which is respectful and age-appropriate should be the first response.

For a younger child a short period of “time out” may also be appropriate. A useful guide for determining the amount of time out is one minute for each year of the child’s age.

However, it is not appropriate to use a time out strategy for children under three years of age. Parents should be made aware of these practices and procedures when enrolling children into Church activities/programs.

When a child is unresponsive or responds unsatisfactorily to reasonable requests to comply with a standard of behaviour, which is respectful to him/her, or other children, and/or those supervising, the matter must then be immediately reported to the parent/guardian.

In extreme cases, children may be precluded from activities for a period, until an undertaking is given, appropriate to age, to behave within acceptable limits.

If this decision is made, the parent is to be informed and where possible included in the negotiations regarding management strategies and restoration to that activity.

At no time is physical punishment or verbal intimidation permissible, even with parental approval.

19. Toileting small children

When a small child needs assistance in toileting, the following procedures should be observed: Where practicable the parent should be responsible for attending to the child.

- If this is not practicable, the child should be encouraged to fully manage themselves, according to ability.
- When crèche workers or designated helpers must assist a child, another adult worker should be informed upon leaving the activity and upon returning.
- Where possible, it may be useful to accompany more than one child to the toilet at any given time.
- Male leaders are not to assist in the toileting of girls.
- At no time should a child be allowed to enter a public toilet alone whilst placed in a Church related activity/program.

20. Crèche/Kids activities/programs

The issue of crèche/kid’s workers with respect to Duty of Care is a vexed one, since so much depends upon volunteers often on a very casual and perhaps even spontaneous basis.

While a basic Duty of Care exists whenever any worker undertakes to supervise children (i.e., with respect to reasonable foreseeability and proximity), it is highly recommended that there be at least one worker who is cognizant of rudimentary Duty of Care, Child Protection, and Senior First Aid requirements somewhere on site, and who could be available as a reference person/supervisor whenever such a program is functioning.

Where young children accompany their parents to Home Groups and other similar functions in private homes, arrangements made for the children's care and well-being and the nature of the activities in which they are engaged, should be formally agreed upon and accepted by all the parents concerned. The Board should be advised and ensure they are satisfied with the arrangements and standards set, and their implementation.

Any worker who specifically takes on the responsibility of the care of children should be expected to provide a level of care, which fulfils Duty of Care standards, including a WWCC. It is the responsibility of CLSC to establish and promote such procedures.

21. Crèche and Junior Kids programs check in/out procedures

CLSC should develop check in and out processes in relation to programs where children are placed into the supervision and care of those running a program, such as crèches, Sunday School, or similar programs, including midweek activities.

For example: Children in junior programs (under 12 years of age) once checked into an activity must not be permitted to leave that activity or program unless collected by a parent or authorised person. Several check in and out systems have been developed, successfully implemented, and readily accessible.

General medical/information forms should be completed and filed in relation to all children attending the above programs.

22. Physical health and safety

The physical environment should always be such that the safety of children 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 Board to appoint a Safety Officer to be responsible for and oversee all established standards. Relevant training should be undertaken in compliance with State legislation/policy for the appointed officer to carry out his/her duties.

Any faulty equipment/plant, which constitutes a hazard to the safety of a child, should be immediately removed, where possible, and its condition should be reported to the Board Safety Officer in writing, without delay.

23. Transportation

During official CLSC activities, driving alone with a young person is not permitted. (This does not apply where a family member is transporting a younger sibling to a regular Sunday service or activity). 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.

When a young person is travelling in a vehicle driven by a worker or designated person, the vehicle will be driven carefully, always adhering to the legal speed limits and road laws. At no time should there be more passengers in a car than the number of seat belts which are in working order and available for use.

Negligent driving can have painful emotional and legal consequences. Anyone who is observed or reported as not driving according to prevailing road rules and generally accepted due care, must not transport children. In addition, drivers must take children directly to and from arranged venues and not spontaneously detour or make additional arrangements without parental/leadership consent.

Other than for a young person in a clear emergency, adults must not travel alone with one young person in a motor vehicle.

Under no circumstance must any Adult accept a third party into travel arrangements without the prior informed written consent of parents (unless the third party is another CLSC Member). A young person must feel safe and comfortable with the arrangements. This means that they must be asked. Adults are to avoid placing themselves in a situation where young people feel uncomfortable or compromised or where an adult's actions could be misinterpreted.

No driver may provide transport if there is any possibility that they may be driving under the influence of alcohol or illegal, illicit, or prescription drugs that can inhibit a person's ability to drive safely, or any other condition that would inhibit their ability to safely control a motor vehicle. Alcohol must not be consumed eight hours prior to or during CLSC children's or youth activities. It is the responsibility of the driver to inform leaders of any situation that may inhibit their ability to safely be in charge of a motor vehicle.

No young person will be permitted to travel in a vehicle driven by a worker who possesses a learner permit or probationary license unless with written approval by a parent and except in the case of an emergency.

While the registered owner may use motorcycles, the carrying of young people as a pillion passenger during official CLSC activities without parental consent is prohibited. Hitch hiking is always prohibited.

In the event of an accident in which any person is injured, the Lead Pastor, workers and parents must be informed as soon as possible. All SA state legislations regarding the reporting of an accident must be followed.

24. Risk Management

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

Risk management is covered in more detail in the CLSC 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 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 risk of harm of any kind to young people who are in CLSC care, and to ensure their physical safety in the buildings or activities of CLSC. 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 CLSC programs or its environment, will be recorded along with the specific action to be taken reduce or remove the risks (i.e., risk controls) and the relevant worker will monitor and evaluate the effectiveness of implementation.

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 CLSC.

All persons involved with CLSC 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.

In situations where a person with a record of offending in child abuse of any kind seeks to attend or join the Church, the provisions outlined in Section 2 Part A Para 6 will serve as the prime guide for responding to and managing the process of risk management.

All attendees and workers will be directed to note concerns arising from observations or experience. Copies of these completed forms will be stored securely, and indefinitely by the Church. For all Church activities with children, appropriate risk assessment, management and reporting should be undertaken.

25. Camping/Excursions/Risk Activities

The Lead Pastor must approve of and endorse all camps and excursions as an official Church activity, and parental consent must be always obtained for activities that are conducted off site. All standards previously identified in this document in terms of transportation, child/youth management, ethical standards and risk management apply.

In the case of camps and off-site special events, parents/guardians must be supplied (in writing) specific information about the activity, including venue, contact details, all proposed activities as well as transport and sleeping arrangements, emergency/first aid arrangements and the names of designated leader/s.

Special event medical/information forms and permission to attend special event form must be supplied to, completed by parents, and maintained by the responsible program/ministry leader and workers.

Workers who have the ultimate oversight and responsibility must be appointed and have undergone all relevant training and preparation for such events. All workers must have completed an approved mandatory reporting/child protection awareness-training program as well as undergone a WWCC.

For camps/overnight activities each person must have separate bedding and provision must be made for private changing and showering facilities.

If adults are required to stay overnight with their child, they are not to sleep next to any child unless that child is their own, that is, not between children.

Workers are not permitted to share accommodation with *one* child/young person, unless they are a parent or guardian of the child they are sharing with.

Where adult leaders, who are not the parent of a young person, are required to supervise overnight sleeping arrangements, there will always be at least two leaders present and they must not sleep next to any child.

Other than married couples, workers are not permitted to share a bed together at any time.

No persons are permitted to shower together at any time.

The guiding principle is that the young person feels safe and has a sense of privacy. Supervision should be within ear shot but not visual as much as possible. Adults are to avoid placing themselves in a situation where young people feel uncomfortable or compromised or where adult's actions could be misinterpreted. If further support is required for a specific young person, then a plan should be put in place with the parent prior to attending an overnight activity.

At no time are leaders or workers permitted to provide, allow, or consume alcohol, or illegal and illicit substances.

If workers are taking prescribed medication that would impair their ability to perform their role effectively, it is their responsibility to advise their Board designated leader.

In the case of campfires, the workers in charge must follow all local statutory rules and regulations, always including total fire bans and ensure that appropriate fire safety precautions are in place.

Activities where a degree of risk is involved, for example pioneering, boating, air activities, abseiling, bushwalking, rock climbing, water activities, including sailing, scuba diving, canoeing etc., must only be undertaken under the direction and supervision of fully qualified persons. All laws, rules and regulations pertaining to these activities must be always followed.

Workers in relation to swimming/water activities must take precautions. The safety of the swimming area must be thoroughly examined in relation to depth, currents, and obstacles. A worker must be appointed to always oversee and supervise the activity.

It is desirable to pair swimmers off (“Buddy System”) with each swimmer taking responsibility for keeping the other in view and immediately reporting any mishap or disappearance. At least one person with suitable lifesaving and first aid qualifications must be always on standby. All persons must always wear swimming attire.

It is the responsibility of the Church workers to familiarise themselves with all legislative standards and safety procedures in relation to activities undertaken.

26. 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.

27. Initiation/secret ceremonies

Initiations and or secret ceremonies are prohibited.

28. Meetings/Locations

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

29. Hiring out of Church facilities to outside groups

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

30. Pastoral Care/Support/Counselling

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

Workers should always keep their Lead Pastor informed of their service case load, 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

31. Privacy

All information concerning children must be kept confidential and only disclosed to authorized persons. Procedures for storage of information concerning children associated with the Church should be arranged in accordance with Board policy on Privacy.

32. Communication

The CLSC Child Protection Officer (CPO) will annually:

- Communicate the availability of these policies to attendees of the Church.
- Encourage and facilitate feedback on all Church activities relating to children (ref paragraph 16.1-16.7).

33. Workers’ awareness

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

Workers should be aware:

- 33.1. Section 166 (4) of the CYP SA protects workers against civil and criminal liability for having reported suspected risk of harm to C.A.R.L. under s30 & 31 of the CYP SA. S163 (1) of the CYP SA provides that the identity of a notifier to C.A.R.L. is not to be disclosed, but by the Serving Agreement this does not prevent some officers of CLSC being told of it.
- 33.2. By s165 of the CYP SA it is an offence to cause detriment to a person who makes a report to C.A.R.L.
- 33.3. 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 CLSC Lead Pastor or delegate. In making an allegation a worker serving CLSC is likely covered by Church insurance against any damages, which may be awarded for defamation.
- 33.4. Other than for damages in defamation the Volunteers Protection Act 2001 relieves a volunteer worker acting for the Church from civil liability for any breach of duty provided they have acted in good faith and without recklessness.

34. Media Management

As a part of the CLSC 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:

- Lead Pastor (who is to seek advice from the PSC)
- The PSC or delegate

APPENDICIES

Appendix A Relevant Bible Teachings

The following Bible teachings underpin this Plan's policy and procedures.

1. Every child is fearfully and wonderfully made in the image of God. We are to welcome children into our families and church as a precious gift from God, and we are to do everything we can to lead them to God. (Genesis 1:26-27, Psalm 127:3, Psalm 139:14, Matthew 19:14).
2. In all things we should "do all to the glory of God" (1 Corinthians 10:31). This provides the overarching goal and guide for planning, managing, and deciding all matters within the Church.
3. We should practice the commandments of Christ and the fruit of the spirit (John 14:15, 15:14, Galatians 5:22-24; Ephesians 4:17-20; Philippians 4:8).
4. We are to be holy and to abstain from all appearance of evil (1 Peter 1:15-16; 1 Thessalonians 5:22).
5. All forms of harm and likely harm, violate the commandments of Christ and are contrary to the fruit of the spirit (Galatians 5:19-21; Ephesians 5:3-12; 1 Corinthians 6:9-10). God is fiercely opposed to any person or system that would cause harm to a child, including anything that would prevent or otherwise discourage a child from coming to God through faith in the Lord Jesus Christ. (Matthew 18:16, 19:14)
6. We are to love God with all our heart, strength, soul, and mind, and to love our neighbour as ourselves. (Deuteronomy 6:4-5; Leviticus 19:18; Matthew 19:19; 22:37-39; Mark 12:29-31; Luke 10:27; Romans 13:9; Gal 5:14; James 2:8).
7. We should obey the laws of the land in which we live, except where they directly contravene the teachings of the Bible (Romans 13:1-5; Matthew 22:21; Acts 5:29).
8. We have a particular duty of care for those who may be vulnerable or have special needs (Psalm 82:3-4; Proverbs 31:9; Acts 20:35; James 1:27).
9. The Bible provides a guide as to the process to be followed where major transgressions occur (Matthew 18:15-17). The principles of this process should be applied in action taken by individuals and the Church in responding to any such transgressions. However, this process must never be understood or implemented in such a way so as to be at odds with the laws and procedures of government to prevent, address, and reduce risk of harm to children and young people."
10. We should seek to seek to gently restore anyone who is caught in any wrongdoing. (Galatians 6:1; James 5:19-20).

Appendix B Excerpts SA Legislation

The main statutory provisions which create and describe the obligation to report a reasonable suspicion that a Young person 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 — **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 young person will be taken to be **at risk** if—

- (a) the young person has suffered harm (being harm of a kind against which a young person is ordinarily protected); or
- (b) there is a likelihood that the young person will suffer harm (being harm of a kind against which a young person is ordinarily protected); or
- (c) there is a likelihood that the 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 young person to take part in an activity, or an action to be taken in respect of the 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 young person—
 - (i) are unable or unwilling to care for the young person; or
 - (ii) have abandoned the young person, or cannot, after reasonable inquiry, be found; or
 - (iii) are dead; or
- (e) the young person is of compulsory organisation age but has been persistently absent from organisation without satisfactory explanation of the absence; or
- (f) the young person is of no fixed address; or
- (g) any other circumstances of a kind prescribed by the regulations exist in relation to the 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 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 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 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 organisation (within the meaning of the *Education and Early Young personhood Services (Registration and Standards) Act 2011*) or a pre-organisation or kindergarten;
- (h) employees of, or volunteers in, an organisation that provides health, welfare, education, sporting or recreational, young person 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 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 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 young person 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 young person is at risk (whether due to an act or omission of the mother or otherwise); and
- (b) that suspicion was formed in the course of the person's employment,
- (c) report that suspicion in accordance with subsection (4)

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

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

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

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

- (i) in the case of an unborn young person—the name and address (if known) of the mother of the unborn young person; or
- (ii) in any other case—the name and address (if known) of the 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 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

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](#).

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

Simply there are two significant areas for compliance.

1. 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 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:

- (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 —
 - (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 C Risk of Harm Preliminary Report Form

Date: Time:

Church:

Child's name: DOB/Age:

Address:

Has the Child Abuse Report Line (C.A.R.L.) 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 persons? (dot point)

-
-
-
-

Name of person suspected.

Age or DOB if known: Church 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)

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.....
.....

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

.....
.....

Any further details: (attach additional sheets if necessary)

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Appendix D Child Protection Training Strategy

CLSC requires that all “workers” as defined in this policy, undergo the established training program.

The CLSC Child Protection Training Strategy utilises the Child Protection Solutions (CPS) (or equivalent) training modules which consists of 5.5 Hour intensive seminars.

CPS seminars also include additional specialist Child Sex Offender Awareness modules with an emphasis on *“MAKING CHILDREN & THE AGENCY SAFE”*

Once those identified within the CLSC 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 no less than every two years.

While CPS as an experienced independent agency delivers this training, other qualified providers may be engaged through SA providers such as Through Their Eyes (TTE) or Responding to Abuse and Neglect (RAN).

However, the CPS training strategy has the following advantages:

- Training is presented via the highly experienced (former) child protection investigators and prosecutors coupled with experience in working with a range of faith-based community organisations.
- 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 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 CLSC programs.