



Child Safe, and Young Person Wellbeing Policy and Procedure

Purpose:

This policy demonstrates the strong commitment of Sammy's Driving School (SDS) to promoting children and young people's safety and wellbeing and in establishing and maintaining child safe and child friendly environments. SDS will ensure that it has policies and guidelines in place that uphold this commitment.

Providing guidelines to the Management and staff to recognise the duty of care that it holds for the protection of children and young people participating in Driver Education lessons.

Commitment to Child Safety

All people who use the services of SDS have a right to be safe and to feel safe. We are committed to the safety and well-being of all young people accessing our services and the welfare of young people in our care will always be our first priority. We aim to create a child safe and child friendly environment where all young people are valued and feel safe.

Children's Participation

SDS encourage and respect the views of young people who access our services. We listen to and act upon any concerns that young people or their families raise with us. We will ensure that young people and their families know driving instructor options, where to book male or female instructors. Participant choice for driver trainers is our priority. Learner rights and how to make a complaint concerning SDS is available on the SDS website and in the Learner Driver's Driving Companion (Log Book). SDS will clearly communicate (using age-appropriate language) how children and young people (or their parents/carers) can report any concerns or provide feedback. We value diversity and do not tolerate any discriminatory practices.

Statement of Intent

All children and young people who book with SDS have a right to feel safe, have their rights respected, participate in decision-making, and have their voices heard. SDS is committed to the safety and well-being of all children and young people accessing our services and the welfare of the children in our care will always be our priority. We aim to create a child safe and child friendly environment where all children and young people are valued and feel safe.

We recognise that our staff often work with young people under the age of 18 years. All employees of SDS are committed to the safety and wellbeing of all children and young people accessing their service, and support the rights of the child, and will act without hesitation to ensure a child safe environment is always maintained.

Suitability to Work with Children

SDS staff are required to have a Motor Driving Instructors licence. A requirement to hold a Motor Driving Instructors Licence, SDS staff must hold a valid Working with Children Check. Administered by The Department of Human Services (DHS) Screening Unit complying with the Child Safety (Prohibited Persons) Act 2016.

SDS may obtain a further criminal history assessment for a staff member at any time that SDS believes it necessary or desirable for the purpose of maintaining a child safe environment.

Clear position descriptions, written applications, and face-to-face interviews.



Working with children checks.
Mandatory Reporting Training.

Referee and qualification checks.
On-the-job observation and probationary periods.

Context

This policy reflects our commitment to provide a safe environment where every person has the right to be treated with respect and is safe and protected from harm or risk of harm.

It complies with our obligations under the CHILDREN AND YOUNG PEOPLE (SAFETY) ACT 2017.

It also aligns with the National Principles for child safe organisations.

Definitions

Child: A person under the age of 18 (unless otherwise specified in relevant legislation).

Young person – term used instead of the word child to describe a person under the age of eighteen (18).

Child abuse: *“All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power¹”*

Child protection: Any measure taken to safeguard children from harm.

Duty of Care: The law says that if it is foreseeable that a person might suffer some sort of harm or loss because of something someone else does, or fails to do, then they owe that person a duty of care; the responsibility of organisations to provide children in their care with an adequate level of protection against harm.

Grooming: Any act with the aim of befriending, building rapport, and gaining the trust of a child for the purpose of subjecting them to abuse. Signs of grooming include giving gifts or special attention, or inappropriate touching such as tickling or wrestling with a child.

Online grooming: Establishing a relationship with a child or young person online with the aim of meeting him/her in person for sexual activity. This can include online chat or sexting, and the abuser may lie about their age or identity.

Harm: Different states or territories may have differing definitions of harm in relation to child protection legislation, but in general it refers to any significant detrimental effect on a child's physical, psychological or emotional wellbeing.

At Risk: A child or young person will be taken to be **at risk** if – the child or young person has suffered harm (being harm of a kind against which a child or young person is ordinarily protected) or there is a likelihood that the child or young person will suffer harm (being harm of a kind against which a child or young person is ordinarily protected).

Risk of Harm – Children can be at the risk of harm through any or all the following:

- **Emotional Harm** – tends to be a chronic behavioural pattern directed at a child whereby a child's self-esteem and social competence are undermined or eroded over time. Behaviours may include devaluing, ignoring, rejecting, corrupting, isolating, terrorising, chronic or extreme domestic violence in the children's presence.
- **Neglect** – is characterized by the failure to provide for the child's basic needs. Behaviours may include inadequate supervision of young children for long periods of time; failure to provide adequate nutrition, clothing, or personal hygiene; failure to provide needed or appropriate health care/medical treatment; disregard for potential hazards in the home; forcing the child to leave home early; allowing children to engage in chronic truancy.
- **Physical Harm** – is commonly characterized by physical injury resulting from practices such as hitting, punching, kicking (marks from belt buckles, fingers); shaking (particularly young babies); burning (irons, cigarettes), biting, pulling out hair; alcohol or other drug administration.

¹ World Health Organization (2016), *Child abuse and neglect by parents and other caregivers*.

- **Sexual Harm** – occurs when someone in a position of power to the child uses his/her power to involve the child in sexual activity. Behaviour can include sexual suggestion; exhibitionism, mutual masturbation, oral sex; showing pornographic material e.g., DVDs, internet; using children in the production of pornographic material; penile or other penetration of the genital or anal region; child prostitution.

Reasonable grounds for belief: *“A belief based on reasonable grounds (see below) that child harm has occurred when all known considerations or facts relevant to the formation of a belief are considered and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.*

A reasonable belief is formed if a reasonable person believes that:

- the child is in need of protection,*
- the child has suffered or is likely to suffer “significant harm as a result of physical injury,” or*
- the parents are unable or unwilling to protect the child.*

A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof but is more than mere rumour or speculation.

A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds².”

Mandatory Reporting: A requirement, by law, that a person must notify the Child Abuse Report Line when it is suspected, on reasonable grounds, that a child has been, or is being harmed or at risk of harm.

Mandated Notifier: A person who must, by law, report suspected harm or risk of harm of a child formed during a person’s work, regardless of whether it is paid or voluntary work, or in the carrying out of official duties. All employees of SDS are mandated notifiers.

Participants/groups: may be vulnerable because of their age, have a disability, or because of their circumstances and may include children and young people, older people, people with physical, developmental, social, emotional, or other disabilities and people who have been victims of trauma, crime, or torture.

Negligence: where the standard or duty of care owed to a person by an organisation has been breached, causing that person to suffer some form of damage. Examples of negligence might include failure to perform adequate referee checks, not responding to complaints or allegations, lack of adequate supervision or guidance for staff.

Working with Children Check: a working with children check conducted by the Department of Human Services Screening Unit in accordance with Child Safety (Prohibited Persons) Act 2016. An application to be made to DHS Screening Unit. South Australia has introduced stronger, more effective, and transparent screening laws for people working or volunteering with children. WWCC replaces all other types of child-related employment screening checks. Working with Children Check must come back with ‘Not Prohibited’ for any Staff working directly with children and young people.

National Police Check: (also known as a National Police Certificate (NPC) or National Criminal History Record Check) – An application made to SAPOL to see if an individual has a criminal history record receives an NPC. SAPOL conducts a national check which will show a proven court outcomes and traffic offences in Australia.

A criminal history assessment requires an organisation to use the information in a National Criminal History (Police Check) to assess the person’s criminal history and to decide about whether to employ the person working with children or vulnerable groups. Please note if a Working with Children Check status shows ‘Prohibited’, no exceptions can be made, and the person is not able to work with children and young people.

Code of Conduct: DSD has a code of conduct that applies to all staff representing SDS. Anyone can access the Code of Conduct on our website. It is also given when becoming a member. It states how people can report a breach of the code of conduct and the consequences for a breach.

Sexual abuse: Occurs when an adult or another child or young person uses power and authority to involve a child in sexual activity, and can be physical, verbal, or emotional.

² Our community (2018) *Child Protection Policy*

<https://www.communitydirectors.com.au/files/policybank/ChildProtectionPolicy2018-02.doc>

Procedures

Roles and responsibilities of governing body, staff, and volunteers

Management and staff:

- sign and act in accordance with the SDS Code of Conduct as part of their induction into our business, to always commit to keeping children safe and act in their best interests.
- Provide a safe environment where every person has the right to be treated with respect and is safe and protected from harm. Inclusion will be ensured for children and young people of diverse cultures, genders, gender identity, sexual orientation, social class, physical and intellectual abilities, and religious beliefs are respected, and equity upheld.
- Have a duty of care to children and young people while they are providing driver training. This duty of care requires SDS to take reasonable steps to protect children from foreseeable risks. SDS recognises that failing to provide children with an adequate level of protection from harm can result in immeasurable psychological, emotional, social, physical, and financial cost to the child and their family.
- SDS believes that actively promoting our business as a child safe organisation and educating and informing, staff and the community on the risks and forms of child harm will assist in maintaining a child safe environment.
- SDS complies with our obligations under the Child Safety (Prohibited Persons) Act 2016, including Part 5 – Working with Children Check.
- SDS will comply with the Child safe environments provisions of the Children and Young People (Safety) Act 2017.

Staff, Volunteers

Staff and volunteers have a responsibility to act in accordance with the Code of Conduct and be aware of and comply with their obligations relating to reporting concerns, allegations, and incidents of child abuse, including internal and external reporting.

Working with Children Checks and National Police Check

SDS will ensure that all position descriptions include requirements for a valid Working with Children Check (WWCC) and National Police Check. This will be based on the potential or expected level of unsupervised contact that each staff member likely to have with children and young people. This applies to positions that are permanent, full-time and to positions that are temporary including contract and casual positions.

Via the Department of Human Services (DHS) portal, applications for Working with Children Checks will be conducted. During employee induction staff will be notified they are required by law to tell us if they have committed a crime since their last Working with Children Check or National Police Check.

Working with Children Check (WWCC) or National Police Checks are private and confidential. SDS will not release specific details of the to any third party. SDS staff will immediately contact the Department of Human Services Screening Unit when we are aware of certain information regarding any person involved with our organisation, including any serious criminal offence, child protection information, or disciplinary or misconduct information.

Staff Recruitment, Supervision and Training

Advertising a position

When advertising a position that is child related, SDS Statement of Commitment to child safety will be included in the advertisement. The position description will include the duty of care obligations of SDS staff, zero tolerance policy to harm and risk of harm to children and young people, and the requirement to undergo police, reference and Working with Children Checks during the recruitment process.

Worker screening

Shortlisted applicants for all positions within the business will be screened for a Working with Children Check, National Police check and a minimum of two verbal reference checks per applicant.

Verbal reference checks should be with direct supervisors or managers who can attest to the applicant's behaviour and attitudes around children. Google searches and social media checks can also be of use to determine the character of potential employees and identify whether there may be any red flags.

In accordance with the state/territory definition of 'child related' all SDS staff must provide evidence of a non prohibited Working with Children Check (WWCC) following the procedure above.

Interviews of potential employees should be conducted by SDS Management who are familiar with child safe principles, with at least one staff who has a knowledge of the dynamics of harm and risk of harm to a child or young person and should focus on determining a values-fit with the business. Interview questions should be designed to elicit information about the candidate's values, attitudes, aptitudes, and work history.

Staff training and development

All new staff will receive a copy of the SDS Child Safe, and Young Person Wellbeing policy, Code of Conduct and Feedback and Complaints process. Staff will be guided through the application of these policies and procedures throughout the employee induction process.

Staff training will include mandatory reporting and duty of care obligations, how to identify and minimise risks of harm and risk of harm to a child or young person, business policies and procedures relating to child safety, how to protect children with disability from harm, promoting the cultural safety of Aboriginal and Torres Strait Islander children and CALD children, etc.

SDS will include information about mandatory reporting in its induction process and will provide training to all staff working directly with children and those who supervise workers providing services to children. SDS will also provide Child Safe Environments training to all staff. This will include staff completing the Safe environments for children and young people "Through their eyes" Full day training program.

All staff will be provided the link to the National Principles for Child Safe Organisation training modules.

Continuous development and training, and refresher training, will occur every 3 years.

Ongoing supervision

Ongoing supervision will be for the purpose of both supporting staff to implement child safe practices, and to ensure that they are complying with their child safety related obligations and behavioural expectations.

Regular (Annual) staff performance reviews will also include an assessment of staff members' adherence to child safety and wellbeing procedures.

Identifying and managing risks

Child safety risks are included in the SDS risk management policy and processes. This includes risks in physical and online environments relevant to the service type/s provided by SDS, people in contact with children, and any specific vulnerabilities of the children.

All staff, will be trained in identifying, assessing, and managing these risks, and detecting signs of harm. This training will also include protective factors that reduce the risk of harm, and ways to promote these protective factors in the context of SDS.

Where a risk is identified and not appropriately managed, SDS may be held legally liable, as this may constitute a 'failure to protect'.

To help maintain a safe and culturally diverse environment for children, SDS will review its risks regularly and implement strategies to minimise and manage processes.

Any children and young people that are involved at SDS are registered and complete and sign a registration form. This form will seek learner and/or parental permission for information and photo sharing.

Reporting, and responding to general complaints and feedback

SDS takes all learner concerns or complaints in our service seriously.

SDS staff will encourage children to express their views, and make suggestions where appropriate, especially on matters that directly affect children.

SDS will provide clear information for children and young people regarding what they can do if they feel unsafe. SDS will listen to and act on any concerns children, young people or their parents raise.

Children, young people, and families can make a complaint or provide feedback in person or fill out a confidential issues and complaints section on the Sammy's Driving School Website.

They will be handled sensitively, confidentially and responded to in a timely manner.

Mandatory reporting obligations

SDS is committed to the safety and well-being of all children and young people accessing our services in accordance with its obligations under the Children and Young (Safety) Act 2017 Chapter 5 Part 1 30-31 – Children and young people at risk; reporting of suspicion that child or younger person may be at risk.

All staff, will be trained in identifying, assessing, and managing these risks, and detecting signs of risk. This training will also include protective factors that reduce the risk of harm, and ways to promote these protective factors in the context of SDS.

SDS will not tolerate incidents of child harm or risk of harm to children and young people and all staff in our business will be trained as mandated notifiers, required by legislation to notify the Child Abuse Report Line (13 1478) as soon as practicable if they have a reasonable suspicion that a child has been, or is being, harmed or at risk of harm or SA Police on 000 if at immediate risk.

SDS Staff must report any reasonable suspicion that a child has been, or is being, harmed or at risk of harm by another staff member to the Child Abuse Report Line or SA Police.

Following a report being made to the authorities, SDS Management will support the child or young person by providing them information about services that can assist such as the Kids Helpline on 1800 55 1800 and Youth Helpline on 1300 13 17 19.

Conducting investigations

Following a report to CARL or SA Police of harm or risk of harm to a child or young person, external authorities may undertake an investigation. All employees must fully cooperate with any external investigation that takes place.

Even when an external investigation is not required, an internal investigation will be conducted to prevent future occurrences of similar incidents. Internal investigations will be conducted in accordance with the principles of natural justice and will remain confidential (however there may be a need to interview or consult other staff members during the investigation).

While an investigation is in progress, the employee against whom an allegation is made may be stood down until a decision is made about whether an offence has been committed. If the investigation concludes that an offence has been committed, or is likely to have been committed, disciplinary action will be taken proportionate to the severity of the offence.

Where a person is terminated from the business due to committing an offence, SDS Management will be responsible for notifying the relevant bodies for child protection and safety.

Procedures for review of this policy

This policy was endorsed by SDS Management in January 2022 and will be reviewed and updated at least every five years as required by the Children and Young People (Safety) Act 2017. A new compliance statement will be lodged with the Department of Human Services each time it is reviewed and updated.

The policy will also be reviewed after any reportable incident, to ensure that it is up to date with current best practice in preventing and responding to child abuse incidents and allegations.

This policy will be communicated via staff induction and staff meetings.

Contact information for the relevant state/territory, including hotlines for reporting incidents

Internal contact information for raising concerns:

SDS Child Safe Officer –

Sam Shepherd Director Sammy's Driving School

Mobile 0418 810 005 email sammysdriving@gmail.com

If a child is believed to be in immediate danger, contact the police:

Emergency - 000

If a child is believed to be in danger which is non-immediate, that is, general concerns about wellbeing rather than knowledge of the possibility of serious harm, then the relevant Departmental hotline should be contacted:

Child Abuse Report Line – 13 1478

Endorsed	January 2022 V1
Next Review Date	January 2023
Standards	Legal Services Commission Unions Australia Human Rights Commission Equal Opportunity Commission Children and Young People (Safety) Regulations 2017 (SA) National Principles for Child Safe Organisations Rights of every child Overview of child protection legislation across state and territory jurisdictions Australian Institute of Family Studies Information Sharing Guidelines Unicef – know your rights and responsibilities Children’s rights and responsibilities flyer Gender diverse, intersex and sexually diverse children and young people
Legislation	Work Health and Safety Act Work Health and Safety Regulations 2012 Codes of Practice Safework SA Return to Work SA Sex and Age Discrimination Legislation Amendment Act 2011 Australian Human Rights Commission Act 1986 Family Law Act 1975 Equal Opportunity Act 1984 Children and Young People (Safety) Act 2017 Commonwealth Privacy Act 1988 State Records Act 1997 Guardianship and Administration Act 1993 Australian Human Rights Commission Act 1986 (Federal) Crimes Act 1914 (Federal) Fairwork Act 2009
Organisation policies	Risk Management Policy (Child Safe) Statement of Commitment to the Safety and Wellbeing of Children Code of Conduct Feedback and Complaints Policy