

CHILD PROTECTION POLICY

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Approved by: Laura Mabikafola

General Manager

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References

Legislation

Commonwealth

National Framework for Protecting Australia's Children 2009-2020

National Vocational Education and Training Regulator Act 2011 (Cth)

South Australia

Children and Young People (Safety) Act 2017 (SA) and Regulations

Child Safety (Prohibited Persons) Act 2016 (SA) and Regulations

New South Wales

Children and Young Persons (Care and Protection) Act 1998 (NSW) and Regulations

Children's Guardian Act 2019 (NSW)

Child Protection (Working with Children) Act 2012 (NSW) and Regulations

Crimes Act 1900 (NSW)

Policies and Procedures

Access Equity & Fairness (POL001)

Code of Practice (POL033)

Complaint Policy (POL020)

Employee Code of Conduct (POL07)

ICT Acceptable Use (PRD-01858)

Information and Communications Technology (ICT) Policy (POL044)

Privacy Policy (POL26)

Risk Management Policy (POL013)

Risk Management Plan (POL014)

Student Handbook

Standards and supporting resources

Standards for Registered Training Organisations (RTOs) 2015 (Cth)

Users' guide to the Standards for Registered Training Organisations 2015

VET Quality Framework | Australian Skills Quality Authority (ASQA)

Purpose

All children and young people have the right to feel, and be, safe, valued and respected.

Skills Lab is committed to promoting the safety and wellbeing of children and young people accessing the services provided by Skills Lab. This policy sets out Skills Lab's commitment and demonstrates its compliance with the applicable legislation and *National Principles for Child Safe Organisations*.

This policy also informs all Skills Lab staff of their roles and responsibilities to protect and look after the safety and wellbeing of children and young people.

Scope

This policy applies to all Skills Lab staff and students, in relation to their contact and work with children and young people.

While Skills Lab does not primarily provide services to children, there are a cohort of young people under the age of 18 at the commencement of their training.

Definitions

applicable legislation	: means the child safety legislation framework in the relevant state or territory. For the purposes of South Australia and New South Wales, means the legislation listed in the References section.
Child and children and young people	: means person(s) under 18 years of age.
Child Safety Officer	: means the person(s) appointed by Skills Lab to champion a child safe environment at Skills Lab, provide support, awareness and advice in relation to child safety and wellbeing matters.
General Manager	: means the person appointed to the role of General Manager of Skills Lab Pty Ltd, from time to time.

harm	: harm will be taken to be a reference to physical harm or psychological harm (whether caused by an act or omission) and, includes, but is not limited to, such harm caused by sexual, physical, mental or emotional abuse or neglect.
relevant authority	: means the authority responsible for child safety in the relevant jurisdiction, as listed in Annexure A.
staff	: means all officers, employees, contractors, subcontractors, volunteers.
Working with Children Check	: means the prescribed screening process in the relevant jurisdiction as per the applicable legislation to determine the suitability of person to work with children.

Policy

Commitment

Skills Lab is committed to providing safe physical and online environments where the protection and wellbeing of children and young people is achieved in accordance with the applicable legislation.

Each Skills Lab staff member is provided with a copy of this policy and required to acknowledge and agree to act in accordance with the terms of the policy.

A copy of this policy is also available on Skills Lab's website.

Responsibilities

Child safety is everyone's responsibility.

Those in particular roles hold special responsibilities, as follows.

The **General Manager** is responsible for:

- immediately reporting any reasonable belief that a child or young person is, or may be, at risk of harm to the relevant authority as identified in Annexure A and if a child is at immediate risk, to the Police on 000;
- ensuring all staff are aware of the applicable laws, and Skills Lab policies and procedures relating to child safety and wellbeing, including this policy and the *Employee Code of Conduct*;
- providing support and training to staff about their roles and responsibilities to protect and look after the safety and wellbeing of children and young people.

Child Safety Officers are responsible for:

- immediately reporting any reasonable belief that a child or young person is, or may be, at risk of harm to the relevant authority as identified in Annexure A and if a child is at immediate risk, to the Police on 000;
- championing and promoting child safety and wellbeing at all times;
- providing support, awareness, and advice in relation to child safety and wellbeing matters;
- advising staff of the procedure to follow when there is a reasonable belief that a child's safety is at risk.

All **staff** are responsible for:

- familiarising themselves with this policy, the *Employee Code of Conduct*, related policies and procedures, and complying with all applicable duties, responsibilities and obligations;
- immediately reporting any reasonable belief that a child or young person is, or may be, at risk of harm to the relevant authority as identified in Annexure A and if a child is at immediate risk, to the Police on 000;
- providing an environment that is supportive of children's safety and wellbeing.

Students are responsible for:

- complying with this policy and the *Student Handbook*;
- immediately reporting any reasonable belief that a child or young person is, or may be, at risk of harm to the relevant authority as identified in Annexure A and if a child is at immediate risk, to the Police on 000.

Policy Statement

Skills Lab is committed to providing a child safe environment where children and young people are protected and feel respected, valued and encouraged to reach their full potential.

Skills Lab demonstrates this commitment by:

- taking all reasonable steps to ensure that all persons who will or may have contact or work with children in the delivery of Skills Lab services are suitably qualified and hold a valid Working with Children Check;
- appointing Child Safety Officer(s);
- requiring the immediate reporting of any reasonable suspicion that a child or young person is at risk of harm, child abuse or neglect in accordance with the procedures set out in this policy;
- providing ongoing support, information and access to training to all staff and students to promote and maintain Skills Lab as a child safe environment.

Child Safety Officer

Skills Lab's *Administration and Compliance Coordinator* has been appointed as a Child Safety Officer.

The role of the Child Safety Officer is to:

- be the primary point of contact to advise and support children and young people, parents and carers, Skills Lab staff and any other person at Skills Lab with respect to child safety and wellbeing;
- know the correct procedure for reporting to the relevant authority in each state and territory;
- ensure all Skills Lab staff are appropriately trained to deal with child safety issues; and
- advising staff of the procedure to follow when there is a reasonable belief that a child's safety is at risk.

Children and young people's participation

While Skills Lab does not provide services wholly to children and young people, there will be some students who are under the age of 18 at the commencement of their training. Our external engagement, research and training services may also include interaction with children and young people.

Children and young people who access Skills Lab's services will be:

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

Code of Conduct

All Skills Lab staff are required to comply with the Skills Lab Employee Code of Conduct and Code of Practice which are available on Skills Lab's SharePoint page.

Breaches or suspected breaches of the Employee Code of Conduct or Code of Practice should be reported in accordance with Skills Lab's Complaint Policy which is available on the Skills Lab website.

All complaints will be dealt with in accordance with the Complaint Policy and in a timely, confidential, fair and equitable manner.

A breach of the Employee Code of Conduct or Code of Practice may result in disciplinary action, including summary dismissal in certain circumstances.

Procedure

Recruitment

Skills Lab has a responsibility to ensure that all people working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

All candidates applying for positions at Skills Lab that involve work, or possible work, with children and young people, will be required to undergo, and provide evidence of, a valid Working with Children Check and any other evidence required to demonstrate the candidate's suitability for working with children. Candidates will be notified of these requirements at the interview stage of the recruitment process.

External Providers & Third Parties

Skills Lab requires all external providers and third parties who will, or may, work with children at Skills Lab, to provide evidence that all persons engaged in the provision of the relevant services have a valid Working with Children Check (where applicable) and are otherwise compliant with the applicable legislation (in South Australia, this includes lodging a child safe environments statement with the Department of Human Services (SA)).

Representatives of all external providers and third parties who attend Skills Lab sites are also required to check-in and undertake an induction.

Existing staff

Existing staff who are in, or move into, positions where they will, or may, work with children must hold a valid Working with Children Check.

Skills Lab requires staff to undergo a Working with Children Check every five years or as otherwise required by the applicable legislation.

Skills Lab will also ensure that all staff who work, or may work, with children have ongoing resources, supervision, support and training to:

- understand their mandatory reporting obligations;
- understand their role and responsibilities to create a child safe and friendly environment.

To achieve this, Skills Lab:

- provides a copy of this policy to all new staff members;
- undertakes regular performance appraisals;
- has appointed a Child Safety Officer(s); and
- provides training to all staff with mandatory reporting obligations.

Children's Complaints Process

Skills Lab's priority is the safety and protection of children and young people from harm. Complaints from children, or their parents or carers, are taken seriously and will be dealt with promptly, fairly and confidentially.

Children (or their parents or carers) may make a complaint, raise any concerns or provide feedback to any Skills Lab staff member with whom they feel most comfortable to do so. This can be done in person, over the phone, by email or in writing, or in such other way as they feel comfortable.

The staff member will:

- listen to the complaint, concerns and feedback and make a confidential record of it;
- advise and assist the child/children (and their parents or carers) with the formal complaints process. More information about the complaints process can also be found in the Skills Lab Student Handbook;
- where a complaint or concern regards a reasonable belief that a child or young person is, or may be, at risk of harm, immediately report it to the relevant authority as identified in Annexure A and if a child is at immediate risk, to the Police on 000.

If a complaint or concern relates to child safety, a Child Safety Officer will provide ongoing support to the child and their family.

Reporting of Suspected Harm or Risk of Harm

Child protection is everyone's responsibility. If a person becomes aware of an incident or allegation of abuse or harm of a child, the priority is to ensure that the child is safe and to mitigate the risks of further harm.

If a child is at immediate risk of harm, immediately contact the Police on 000.

Mandatory Reporting

In each jurisdiction, certain people have mandatory reporting requirements under law.

These people **MUST** report any reasonable belief that a child or young person is, or may be, at risk of harm to the relevant authority as identified in Annexure A and if a child is at immediate risk, to the **Police on 000**.

For more information about mandatory reporting in the relevant jurisdiction, please refer to Annexure A.

Mandatory reporting is a personal obligation. Failure to comply with mandatory reporting requirements, may result in penalties under the relevant legislation (in South Australia, individuals may be subject to penalties up to \$10,000). It is suggested that persons with mandatory reporting obligations keep a personal record of any reports.

For clarity, any person (regardless of whether they have mandatory reporting obligations) can make a report to the relevant authority, or to the **Police on 000** about any reasonable belief that a child or young person is, or may be, at risk of harm.

If a person has made a report to the relevant authority or the police regarding child safety they **must** also notify the General Manager of such report, so that appropriate action can be taken by Skills Lab.

Internal Reporting

Skills Lab encourages a culture where all staff, students, external providers and third parties feel comfortable raising concerns.

If a person has a reasonable belief that a child or young person is, or may be, at risk of harm, they should immediately report it to the relevant authority as identified in Annexure A and if a child is at immediate risk, to the Police on 000. After reporting the matter to the authorities, they **must** also notify the General Manager, so that appropriate action can be taken by Skills Lab.

If a person has a general complaint or concern, they should report this in accordance with the Skills Lab Complaint Policy, which is available on the Skills Lab website.

All reports in relation to this policy, will be treated as strictly confidential and in accordance with this policy, Skills Lab's Privacy Policy, the *Privacy Act 1988 (Cth)*, *Australian Privacy Principles*.

Any investigations conducted by Skills Lab under this policy will be conducted in a fair and respectful manner, in accordance with Skills Lab's policies and procedures and applicable legislation.

Recording

All Skills Lab staff who receive a concern, complaint, allegation or other disclosure about child safety must make an accurate, factual and contemporary record.

Where possible, the record should include:

- details about the disclosure including the date and time of the disclosure, the name and contact details of the person making the disclosure, how the disclosure was made (i.e. in person, email, phone) and who else was present (if anyone);
- details about the concern, complaint or allegation disclosed including the relevant facts/description of the cause, the name and contact details of persons involved and the relevant dates and times;
- if the disclosure has been reported to any other person or to the authorities, the details of such report (including the time, date and name and contact details of person the report was made to).

The record must be kept secure and confidential.

Risk Management

In addition to above, to minimise risk to children and young people at Skills Lab, the below strategies have been implemented.

Physical environment

As a SAGE Group company, Skills Lab has a Facilities Equipment and Resources Policy and a WHS Policy which aims to ensure Skills Lab has a safe work environment.

Skills Lab also ensures that all children and young people are adequately supervised when accessing the services provided by Skills Lab on site.

In addition, all Skills Lab staff must take reasonable measures to avoid potentially risky situations when it comes to child safety, this includes but is not limited to avoiding one-on-one situations in enclosed spaces, showing favouritism, using inappropriate language or gestures and physical contact with children or young people.

Online environment

Where children will have access to the internet or online activities through Skills Lab, parental controls and restricted sites will be activated preventing children from accessing inappropriate and/or unsafe websites.

All Skills Lab staff must comply with the SAGE Group ICT Acceptable Use Procedure, which amongst other things, prohibits Skills Lab staff from accessing, downloading or in any way engaging in pornographic or illicit websites, dispersing emails containing inappropriate content and accessing social media.

Privacy & Confidentiality

When dealing with information from children or about children, Skills Lab and its staff have obligations under the *Privacy Act 1988* (Cth) and the *Australian Privacy Principles*. Skills Lab's obligations for the collection, storage and use of personal and sensitive information are set out in Skills Lab's Privacy Policy, which is available on Skills Lab's website.

Breaches of privacy and confidentiality will not be tolerated by Skills Lab.

Investigation or Charged with Serious Criminal Offence

Where a person is being investigated for, or is charged with, a serious criminal offence, Skills Lab will take immediate administrative action as it sees fit, having regard to the circumstances and prioritising the safety and wellbeing of children and young people. Such action may include, but is not limited to, suspension of employment or engagement (whichever is applicable) of that person until the matter is resolved.

Skills Lab will not interfere or jeopardise any police or other statutory authority investigation.

Applicable Standards

Skills Lab is an Australian Skills Quality Authority (ASQA) approved Registered Training Organisation (RTO).

As an RTO, Skills Lab complies with the *Standards for Registered Training Organisations (RTOs) 2015* and the VET Quality Framework. More details can be found at: [VET Quality Framework | Australian Skills Quality Authority \(ASQA\)](#).

Policy Review

Skills Lab will evaluate and review this policy and the related procedures:

- once every 3 years or as otherwise required by the applicable legislation;
- when new or added risks are identified for children or young people, which may require a change in the policy or procedures;
- if there is a critical incident where a child or young person has experienced harm through involvement in the organisation;
- where concerns are raised about child safety or welfare in the organisation;
- when awareness of, or compliance to, the policy and/or procedures is low.

ANNEXURE A

STATE/TERRITORY	REPORTING AUTHORITY	FURTHER INFORMATION	CONTACT DETAILS
ACT	Child and Youth Protection Services	For more information on mandatory reporting, click here: Keeping Children and Young People Safe .	General public 1300 556 729 (24 hours) Mandated reporters 1300 556 728 (24 hours)
NSW	Department of Family and Community Services	For information about mandatory reporting, refer to the Mandatory reporters webpage.	Child Protection Helpline 13 21 11 (24 hours)
NT	Territory Families	In the Northern Territory, every person is required to report suspected child abuse and neglect.	Child Abuse Hotline 1800 700 250 (24 hours)
QLD	Department of Child Safety, Youth and Women	For more information about mandatory reporting, refer to the Mandatory Reporting in Queensland webpage.	For a list of contact numbers during business hours, go to: Regional Intake Services . Child Safety After Hours Service Centre 1800 177 135
SA	Department for Child Protection	For more information about mandatory reporting, click here: Mandated Notifiers and Their Role and Preparing to Report Child Abuse .	Child Abuse Report Line 13 14 78 (24 hours)
VIC	Department of Health and Human Services	For information about child protection and mandatory reporting, refer to the department's Child Protection webpage.	For a list of regional and metropolitan phone numbers: Child Protection Contacts After hours child protection emergency service 13 12 78
WA	Department of Communities, Child Protection and Family Support	For information about mandatory reporting refer to the department's mandatory reporting information webpage.	Central Intake Team Ph: 1800 273 889 After hours 1800 199 008