

Child Safety Policy and Practice Of **The Adelaide Hills Amateur Radio Society** **September 2013**

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1. Purpose

Adelaide Hills Amateur Radio Society (hereafter referred to as AHARS) has, at the time of writing of this policy, a membership of approximately 150 members, and in general caters principally to adults who pursue the hobby of amateur radio. Despite the fact that AHARS is not structured to deliver services to children and is thus exempt from the relevant Act, and that children only rarely attend its premises and its monthly meetings, the Management Committee and membership of AHARS have a strong commitment to the concept of child safety, and wish to implement a child safe environment as best practice, and as evidenced in the following documentation.

2. Basic Policy

Children are most safe when accompanied full time by responsible adults. The following statement thus forms the basic policy behind all AHARS child safe practice.

“Children are welcome on the premises of, and at events conducted by the Adelaide Hills Amateur Radio Society (AHARS), only when accompanied by, and in the full time care of a parent, guardian, or one or more members of AHARS who possess a current National Police Certificate and/or are a Mandated Notifier under the Children’s Protection Act 1993”.

This policy complies with the provisions under the *Children’s Protection Act 1993*, including:

- Section 8B – 8D – child safe environments and criminal history assessments for people working with children; and
- Section 11 – Mandatory reporting.

It also complies with the Child safe environments: Principles of good practice and Child safe environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children issued by the Chief Executive. (Section 8A, *Children’s Protection Act 1993*).

3. Scope

The general policy detailed in Section 2 and Appendices applies, from the date of endorsement, to all people involved in AHARS including:

- All members (particularly those with National Police Certificates and other Mandated Notifiers)
- Volunteers
- Contractors and subcontractors
- Any other individual involved in this organization

4. Commitment to Child Safety

All children who come to Adelaide Hills Amateur Radio Society have a right to feel and be safe. We are 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 first priority. We aim to create a child safe and child friendly environment where all children are valued and feel safe.

The members of our Management Committee are a first point of contact to provide advice and support to children, parents, employees and volunteers regarding the safety and well-being of children in our organisation.

5. Children's Participation

AHARS encourages and respects the views of children and young people who access our services. We listen to and act upon any concerns that children, young people or their families raise with us. We teach children what they can do if they feel unsafe.

We ensure that children, young people and their families know their rights and how to access the complaints procedures available to them.

We value diversity and do not tolerate any discriminatory practices

6. Recruitment Practices

AHARS takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children. We employ a range of screening measures and apply best practice standards to ensure this outcome.

We conduct criminal history assessment for people working with children, as set out in Section 8B of the *Children's Protection Act 1993*. Criminal history assessments are required for anyone within our organisation that:

- has regular contact with children and is not directly supervised at all times
- works in close proximity to children on a regular basis and is not directly supervised at all times; or
- supervises or manages persons who:
 - have regular contact with children or
 - work in close proximity to children on a regular basis; or
 - has access to sensitive records relating to children or young people.

Exemptions from this requirement may apply in some circumstances.

We ensure that criminal history information is dealt with in accordance with the Child Safe Environments: Standards for dealing with information obtained about the criminal

history of employees and volunteers who work with children, issued pursuant to Section 8A, *Children's Protection Act 1993*.

AHARS maintains a register of all members with a National Police Certificate or DCSI Letter of Clearance (i.e. Mandated Notifiers), and ensures currency of these documents by a Management Committee review of this register on at least an annual basis.

New applicants for membership are screened by the Committee and should be of good character and reputation. As noted on our application form, AHARS retains the right to refuse club membership to any applicant without explanation.

7. Code of Conduct

All members are made aware of, and must abide by our Code of Conduct. To accommodate changes in child safe practices, our Code of Conduct will be reviewed by the AHARS Management Committee at least every three years, and appropriate training will then be undertaken for committee and affected club members as required.

Breaches of our Code of Conduct must be reported to the Management Committee of AHARS who will then take appropriate and rapid action to remedy the problem. Where the well-being of a child has been threatened, a mandatory report will be made to the Child Abuse Report Line (131478), and for members of AHARS, will result in instant dismissal from the club, together with total retraction of any other membership benefits.

8. Support For Members

AHARS seeks to attract and retain the best people. We provide support and supervision so people feel valued, respected and fairly treated. We ensure that club members who work with children have ongoing supervision, support and training so that their capacity is developed and enhanced to promote the establishment and maintenance of a child safe environment.

Strategies we have or will implement include:

- All club members will receive a copy of our child safe policy and code of conduct.
- All members of the Management Committee of AHARS must hold either current National Police Certificates or a current Letter of Clearance from the Department of Communities and Social Inclusion (DCSI).
- All our members who are Mandated Notifiers (our Management Committee and those with a current National Police Certificate/DCSI clearance), will receive formal training in child protection and updating in this area as required.
- All members of the Management Committee of AHARS are to act as a first point of contact for all child protection matters.

- A register is kept with full details of any club member having a National Police Certificate or Letter of Clearance from the DCSI.
- Our Code of Conduct and Child Safe Policy will appear on our club website (www.ahars.com.au)

9. Reporting and Responding to Suspected Child Abuse and Neglect

AHARS will not tolerate incidents of child abuse.

Club members who are Mandated Notifiers understand their obligation to notify the Child Abuse Report Line on **13 14 78** as soon as practicable if they have a reasonable suspicion that a child has been, or is being, abused or neglected.

We also ensure that Mandated Notifiers have access to relevant information resources such as:

- Child safe environment: Guidelines for mandated notifiers and information for organisations (available to view or download from www.families.sa.gov.au/childsafef)
- Families SA reporting child abuse website: <http://www.families.sa.gov.au/pages/protectingchildren/CSEHome/>
- Free online SMART (Strategies for Managing Abuse Related Trauma) Learning package, developed by the Australian Childhood Foundation: www.childhood.org.au

We ensure that support is also available for the club member making the report, particularly where an ongoing service is provided to the child, young person and their family.

10. Supporting Children, Young People and their Families

Child Protection is everyone's responsibility. AHARS recognises that even where a report is made, we may still have a role in supporting the child or young person. This support may include:

- Referring the child, young person or their family to other appropriate services
- Displaying information about services that can assist children and their families (such as the Kids Helpline and Youth Healthline) in areas accessed by children and their families.

Dealing with reports or concerns relating to the actions of an Mandated Notifier in our organisation

In addition to making a report to the Child Abuse Report Line, Mandated Notifiers must also report to the Management Committee of AHARS if reasonable suspicion is formed that a child has been, or is being, abused or neglected by another member, employee, or volunteer.

In response to any report to the Management Committee concerning a member, employee or volunteer of AHARS, reference should be made to our Code of Conduct (Section7).

11. Strategies to minimise risk

Our strategy to minimize risk to children in our care is best summarized in our basic policy which specifies that children must always be in the care of a responsible adult. Such an adult has broad responsibilities, and examples include providing safe transport, overseeing any photograph which may be taken, ensuring that only appropriate physical contact is made with the child, overseeing the use of computing and communications equipment, and taking whatever action is necessary to protect the physical, moral and spiritual development of the child under care. In short the legal position of such an adult is best described by the legal phrase “in loco parentis”. i.e. acting in the manner of a responsible parent.

Evaluation of this strategy and the development of additional strategies to minimise and control risks to children and young people occur as part of our ongoing risk management process.

12. Harassment and Bullying

AHARS opposes all forms of harassment, discrimination and bullying. We take this issue seriously and encourage anyone who believes that they, or another person, has been harassed, discriminated against or bullied to raise this issue with any member of the AHARS Management Committee.

13. Communication

AHARS will communicate its policy and implementation to all current members by email or general mail and by announcement at monthly General meetings. When members are periodically required to update their details on the club membership register, the basic child protection policy of the club will be included in this form. Intending club members will be informed of the policy on the AHARS application form for membership which they will be required to sign.

APPENDIX 1

14. Conducting criminal history assessments

Assessments required for prescribed positions

All members of AHARS who occupy a prescribed position (as set out under Section 8B (8) of the *Children's Protection Act 1993*) are required to undergo a criminal history assessment once every three years.

Criminal history assessments are also required prior to the appointment of anyone to a prescribed position in AHARS.

Exemptions from this requirement may apply in some circumstances (see below). However AHARS retains the discretion to decide on a case-by-case basis whether any relevant exemptions will be exercised.

This requirement applies to all employees who regularly work with or around children in an unsupervised capacity or have access to prescribed records relating to children.

15. Procedure for conducting criminal history assessments

AHARS members working in prescribed positions must possess either a current National Police Certificate, or a current Letter of Clearance from the Department for Communities and Social Inclusion (DCSI) Screening Unit.

Option 1- Possession of a Current Letter of Clearance

The cost of obtaining a Letter of Clearance will be negotiated between AHARS and the club member. A new Letter of Clearance must be obtained at least once every three years.

AHARS may obtain a further criminal history assessment for those in prescribed positions at any time that AHARS believes it to be necessary or desirable for the purpose of maintaining a child safe environment.

The informed written consent of the employee/volunteer is required prior to conducting a criminal history assessment. The Screening Unit's informed consent form is available from www.dfc.sa.gov.au/pub/screening.

Information relating to a person's criminal history and the assessment process is managed securely and confidentially and in accordance with the *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children* issued pursuant to Section 8A of the *Children's Protection Act 1993*.

Option 2 – Possession of a Current National Police Certificate (NPC)

The cost of obtaining a NPC will be covered under the VOAN Certificate held by AHARS. Application for the VOAN number and authorizing signature on the application for a NPC should be made to the Secretary of AHARS.

South Australia Police require the explicit written consent of the applicant prior to the release of criminal history information. The NPC application form is available from. <https://www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check>

Where a person has no disclosable criminal history, the assessment is successfully completed and no further action in respect to an assessment is required.

Where an individual does have a criminal history, AHARS assesses this information in accordance with Standard 5 of the *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*.

Each assessment is conducted on its individual merits and with consideration to the inherent requirements of the position. Principles of procedural fairness and natural justice are applied throughout the decision-making process and the individual is provided an opportunity to confirm or dispute the information contained within the report and to provide contextual information for consideration during the assessment process.

The National Police Certificate will not be retained once a decision has been made regarding the person's suitability to work with children. The National Police Certificate will not be retained beyond three months in any circumstances.

In accordance with its legal requirements, AHARS will retain the following information regarding its decision:

- That a criminal history report was obtained
- How the criminal history information affected decision making processes
- Statutory declarations (where applicable)

AHARS may obtain a further criminal history assessment for those persons in prescribed positions at any time that AHARS believes it necessary or desirable for the purpose of maintaining a child safe environment.

16. Other evidence (optional)

Where appropriate, AHARS may utilise a number of forms of evidence (obtained within the last three years) to assess a person's suitability to work with children. This includes:

- A National Police Certificate that does not expressly state that it cannot be used as a clearance to work with children

- A Letter of Clearance to work with children from the DCSI Screening Unit
- A valid and current interstate working with children check.

Acceptance of other forms of evidence is at the discretion of AHARS and is subject to the person completing a 100-point check to confirm the true identity of the applicant. AHARS may also at its discretion seek a statutory declaration for any person who has been a citizen or permanent resident of a country other than Australia since turning 18 years of age.

17. Exemptions

The following organisations, persons and positions are exempt from the application of Section 8B of the Act:

- (a) an organisation that provides equipment, food or venues for children's parties or events and does not provide any other services;
- (b) a person who undertakes work on a voluntary basis to provide a service in his or her capacity as a parent or guardian of a child who is ordinarily provided with the service;
- (c) a person who undertakes work on a voluntary basis to provide a service and who is under 18 years of age;
- (d) a person who undertakes work in the course of, or for the purposes of, an event or activity that takes place over a period of not more than 10 consecutive days or not more than 1 day in any month;
- (e) a person appointed as a police officer;
- (f) a person who is a registered teacher (within the meaning of the *Teachers Registration and Standards Act 2004*);
- (g) a person who undertakes, or a position that only involves, work that is not for the exclusive benefit of children and is not provided to any child on an individual basis;
- (h) a position that only involves prescribed functions because children are employed or engaged to work as volunteers by the person occupying the position or by that person's employer;
- (i) a position in which all work involving children is undertaken in the presence of the children's parents or guardians and in which there is ordinarily no physical contact with the children.

APPENDIX 2

Code Of Conduct, and General Guidelines for Members of the Adelaide Hills Amateur Radio Society

AHARS has a simple policy which applies to all members and which follows:

“Children are welcome on the premises of, and at events conducted by the Adelaide Hills Amateur Radio Society (AHARS), only when accompanied by, and in the full time care of a parent, guardian, or one or more members of AHARS who possess a current National Police Certificate and/or are a Mandated Notifier under the Children’s Protection Act 1993”.

As an expansion of this basic policy, all members of AHARS should note the following points ...

- The safety and welfare of the child or young person is paramount at all times and all reasonable steps should be taken to ensure this.
- All children and young people must be treated with dignity, equality and respect.
- The child safe policy of AHARS must be adhered to at all times. The AHARS Management Committee and members must quickly respond to all serious complaints.
- The rights and responsibilities of any child participating in an AHARS activity must be carefully explained to them in language that they can understand.
- In the event of a member having a reasonable suspicion that a child or young person has been or is being abused or neglected, the **Child Abuse Report Line on 13 14 78** should be notified as soon as practicable

Club members should not

- Take part in any unnecessary physical contact with a child or young person.
- Discriminate against any child or young person because of age, gender, cultural background, religion, vulnerability or sexuality.
- Take photos or develop any “special” relationships with a child or young person without approval from a parent or legal guardian.

APPENDIX 3

Supporting Documentation

There are a range of laws protecting the welfare of children in Australia, and against the illegal acts of Australian citizens in countries other than Australia. Such laws include those of the Australian Commonwealth, and Australian States and Territories.

Commonwealth Legislation

Criminal Code Act 1995

Division 272 (child sex offences outside Australia)

Division 273 (offences involving child pornography or child abuse material outside Australia)

Division 474 (telecommunications offences, subdivision C)

Crimes Act 1914

The *Crimes Act 1914* sets out laws that govern the way legal proceedings under the *Criminal Code Act 1995* are conducted, including the conduct of investigations and the protection of children involved in the proceedings for sexual offences (under part 1AD).

Legislation- State of South Australia

Children's Protection Act 1993 <http://www.legislation.gov.au>

General Information

Setting up, and maintaining a child safe environment:

Families S.A.

<http://www.families.sa.gov.au/pages/protectingchildren/CSEHome/>

Legal Services Commission of South Australia Law Handbook

<http://www.lsc.sa.gov.au>

APPENDIX 4

Mandatory Reporting Process for Club Members

What should I report?

You should report :

Any behaviour that you suspect may be child exploitation and abuse, including possession of child exploitation material or non compliance with AHARS policy, which involves club members, volunteers, or contractors/sub contractors/ employees of AHARS.

What if I am not sure that what I have seen is child exploitation and abuse?

Contact the AHARS club president for confidential discussion and clarification .

How do I make a report?

Reports can be made either in writing to the AHARS Management Committee or verbally to any member of the AHARS Management Committee. This report should include

- Date(s) of incident(s)
- Alleged offender's details including name, and where possible, address, and other contact details
- Details of alleged incident(s)
- Whether local police or Australian Federal Police have been informed
- Whether a report has been made to the Child Abuse Report Line (131478)
- Any other relevant information

How does AHARS treat the information I provide?

All information provided and your personal details will be treated confidentially