

# SAFEGUARDING CHILDREN AND YOUNG PEOPLE POLICY

Department of Human Services (DHS)

## Summary

Demonstrates how DHS provides a safe environment for children and young people, and the requirement of DHS workers to report any reasonable suspicion a child or young person may be at risk of harm.

Table 1 – Document Details

Policy Number	<b>PPD/020</b>
Applies to	<b>All DHS workers</b>
Issued by	<b>Workforce Development and Integrity</b>
Delegated Authority	<b>Sally Nicholas A/Executive Director, Workforce Development and Integrity</b>
Policy Custodian	<b>Nicole Deacon Director, People and Partnerships</b>
Content author	<b>Julie Cebulla Manager, Policy and Governance</b>
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Confidentiality	<b>Official</b>

Table 2 – Revision Record

Date	Version	Revision description
December 2020	1.0	Policy implemented.
May 2022	1.1	Rebranded and updated to incorporate Notification of Risk of Harm Policy and reflect update to <i>Criminal Law Consolidation Act 1935</i> via new <i>Statutes Amendment (Child Sexual Abuse) Act 2021</i> .

April 2025	2.0	Feedback from Child Safe Environments team, Inclusion Policy & Reform, Remote & Regional Service Development and Aboriginal Practice & Partnerships Directorates included, (with Safer Family Services and Youth Justice also consulted), along with content from Working with Children and Young People Code of Conduct to enable its removal due to duplicated information.
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## Contents

1. Policy Title	4
2. Purpose	4
3. Context	4
4. Scope	4
5. Closing the Gap Impact Statement	4
6. Definitions	5
7. Policy Detail	7
7.1 Recruitment	7
7.2 Training	7
7.3 Supervision and support	7
7.4 Code of conduct	8
7.5 Mandatory obligations	9
7.6 Roles and responsibilities	9
7.7 Breaches	11
7.8 Communication	12
7.9 Complaints and Feedback	12
7.10 Policy Review	12
8. Risk	13
9. Reference Documents	14
9.1 Directive documents	14
9.2 Supporting documents and resources	15
9.3 Related documents and resources	15
10. Policy Approval	15

## 1. Policy Title

Safeguarding Children and Young People Policy

## 2. Purpose

This policy exists to ensure that DHS protective practices for children and young people keep them safe (inclusive of cultural safety) from deliberate or inadvertent risk of harm and provide them with an understanding of such practices.

## 3. Context

DHS is the State Government agency with responsibility for administering the [Child Safety \(Prohibited Persons\) Act 2016](#) and relevant sections of the [Children and Young People \(Safety\) Act 2017](#).

We value and respect children and young people and are committed to providing them with a safe environment that complies with this legislation and aligns with the [National Principles for Child Safe Organisations](#). DHS strives to celebrate and improve the lives of people of all ages, cultures, disabilities, ethnicities, faiths, gender identities, sex characteristics and sexual orientations. We are committed to making our services and workplaces safe and inclusive for all people and ensuring the full diversity of the communities we serve are represented in the strategies we lead.

Any form of bullying, discrimination, racism, sexual harassment, victimisation, or any other disrespectful behaviours will not be tolerated.

## 4. Scope

This policy applies to all DHS staff, agency personnel, consultants, contractors, students on placement and volunteers (collectively referred to as workers) working with children and young people across all settings and activities, including ministers of religion or people who undertake duties of a religious or spiritual vocation.

## 5. Closing the Gap Impact Statement

DHS is committed to the outcomes outlined in the National Agreement on Closing the Gap, including that Aboriginal children are not over-represented in the youth justice system (socio-economic outcome 11) and Aboriginal children are not over-represented in out-of-home care (socio-economic outcome 12).

As a community, we now have a better understanding of intergenerational trauma and its lasting consequences on future generations. Systemic racism, abuse, family, domestic and lateral violence, intergenerational poverty, and incarceration continue to disproportionately impact Aboriginal families and communities.

DHS works closely with Aboriginal children and young people, families and communities to facilitate cultural connections and provide culturally safe and trauma-informed services. DHS considers culture to be a protective factor and that cultural considerations are paramount at the time of responding to the child/young person and when planning intervention and assessment of concerns. DHS applies the Aboriginal and Torres Strait Islander Child Placement Principle<sup>1</sup>, the Aboriginal and Torres Strait Islander Youth Justice Principle<sup>2</sup> and observes self-determination where a reasonable suspicion of risk of harm to a child or young person is identified.

## 6. Definitions

Table 3 – Definitions

Term	Meaning
<b>Adult</b> (legal definition)	A person who is not a child. <a href="#"><u>s64 Criminal Law Consolidation Act 1935</u></a>
<b>Assessable information</b>	Information about a person used to determine whether they would pose a risk to the safety and wellbeing of clients if employed, contracted or volunteering in a role. Types of information assessed could include criminal history, child protection and misconduct information.
<b>At risk</b> (legal definition)	Refer to <a href="#"><u>s18 Children and Young People (Safety) Act 2017</u></a> for the full definition, which includes: <ul style="list-style-type: none"> <li>• the child or young person has suffered harm;</li> <li>• there is a likelihood the child or young person will suffer harm;</li> <li>• there is a likelihood the child or young person will be removed from the state for an unlawful act or procedure to be undertaken;</li> <li>• the parents or guardian of the child or young person are unable or unwilling to care for them;</li> <li>• the child or young person is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence; and</li> <li>• the child or young person is of no fixed address.</li> </ul>
<b>Child Abuse Report Line (CARL)</b>	Operated by the Department for Child Protection (DCP), this is a 24-hour service for all notifications of child abuse, harm and risk of harm, which can be made by calling 13 14 78 or via the <a href="#"><u>online reporting system</u></a> .
<b>Child or young person</b> (legal definition)	A person who is under 18 years of age. <a href="#"><u>s16(1) Children and Young People (Safety) Act 2017</u></a>

<sup>1</sup> Section 12 of the *Children and Young People (Safety) Act 2017*

<sup>2</sup> Section 3 of the *Youth Justice Administration Regulations 2016*

<b>Guardian</b> (legal definition)	The guardian or guardians of the child or young person pursuant to an order of the Court under the Act. <a href="#"><u>s16 Children and Young People (Safety) Act 2017</u></a>
<b>Harm</b> (legal definition)	Physical harm or psychological harm (whether caused by an act or omission), including such harm caused by sexual, physical, mental, or emotional abuse or neglect. <a href="#"><u>s17 Children and Young People (Safety) Act 2017</u></a>
<b>Mandated reporter</b>	Workers who are legally required to report reasonable suspicion of risk of harm to a child or young person, including prescribed health practitioners, social workers, and staff of, or volunteers in, an organisation that provides health, welfare, education, sporting or recreational, childcare, residential services wholly or partly for children and young people, and who provide services directly to children and young people or hold a management position which includes direct responsibility for, or direct supervision of, the provision of services to children and young people. <a href="#"><u>s30 (3) Children and Young People (Safety) Act 2017</u></a>  In the context of DHS, mandated reporters are workers who provide services to children and young people and those who hold a management position with responsibility for, or supervision of, the provision of those services to children and young people.
<b>Mandatory reporting</b>	The general term applied to the process of reporting reasonable suspicion of risk of harm to a child or young person by mandatory reporters.
<b>Misconduct</b>	A breach of a disciplinary provision of the <a href="#"><u>Code of Ethics for the South Australian Public Sector</u></a> (Code of Ethics) while in employment as a public sector employee or other misconduct while in employment as a public sector employee. <a href="#"><u>Part 1 s3 Public Sector Act 2009</u></a>
<b>Parent</b> (legal definition)	includes— a) a step-parent of the child or young person; and b) a person who stands in loco parentis to the child or young person; <a href="#"><u>s16 Children and Young People (Safety) Act 2017</u></a>
<b>Reasonable suspicion</b>	Must be based on facts, for example, disclosure of harm or risk of harm, including sexual abuse, from a child/young person.
<b>Sexual abuse</b> (legal definition)	of a child includes any unlawful conduct of a sexual nature committed, or in relation, to a child. <a href="#"><u>s64 Criminal Law Consolidation Act 1935</u></a>

<b>Workers</b>	All DHS staff, agency staff, consultants, contractors, students on placement and volunteers.
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## 7. Policy Detail

As a key agency partner in the South Australian Government's Child and Family Support System, DHS strives to be a leader by setting an example of culture embedded into all levels of responsibility and practice.

### 7.1 Recruitment

DHS ensures the employment or engagement of suitable workers for child-related roles through comprehensive recruitment strategies. These strategies aim to assess and verify the suitability of candidates in safeguarding children and young people where it applies to the role.

A Working with Children Check is required for prescribed positions and for child-related work. A prescribed position is one in which a person works with children or it is reasonably foreseeable they will work with children, such as leadership roles in DHS with its responsibility for administering the [Child Safety \(Prohibited Persons\) Act 2016](#). Child-related work includes accommodation and residential services for children, child protection services and disability services for children.

In accordance with the [Child Safety \(Prohibited Persons\) Act 2016](#), DHS is registered with the Screening Unit and links all Working with Children Checks to its registration. All DHS workers who are in prescribed positions, such as the Chief Executive and leadership team, and those undertaking child-related work must hold a current, unprohibited Working with Children Check, provide evidence of this prior to employment or engagement and renew it every five years. DHS verifies the accuracy of all Working with Children Checks in the DHS Screening Unit Portal and is required to notify the Screening Unit if it becomes aware of new assessable information for a worker it employs or engages.

### 7.2 Training

All DHS mandated reporters are required to undertake training to recognise, report and respond to children and young people at risk of harm when they join the department and complete a refresher course every three years.

Completion of training undertaken during study or previous employment may be considered sufficient to meet this requirement, provided it occurred less than three years before joining the department.

DHS will provide cultural awareness training to support all DHS workers in understanding the importance of cultural considerations.

### 7.3 Supervision and support

DHS workers are supported to provide safe environments for children and young people,

recognise indicators of harm and respond effectively. Regular supervision and performance development conversations are to take place that focus on child safety and wellbeing and discuss child safeguarding.

## 7.4 Code of conduct

Caring for children and young people brings additional responsibilities. DHS workers who are responsible for promoting and protecting the safety and wellbeing of children and young people must:

- take all reasonable steps to do so;
- treat everyone with respect and ensure equity is upheld;
- be a positive role model to children and young people in all interactions with them;
- set clear boundaries and maintain appropriate behaviours;
- listen and respond appropriately to the views and concerns of children and young people;
- be alert to bullying behaviours and respond promptly and appropriately;
- ensure another adult is always present or in sight when conducting one-to-one consulting, coaching, instruction or other activity;
- be alert to children and young people who have been harmed or may be at risk of harm by making a CARL report in accordance with the department's [Reporting Harm of Children and Young People Procedure](#);
- respond quickly, fairly and transparently to any complaints made by a child, young person or their parent/guardian; and
- encourage children and young people to 'have a say' on issues that are important to them.

DHS workers must not:

- engage in an activity likely to cause any physical, sexual or emotional harm to a child or young person;
- abuse the trust that comes with being employed or engaged by DHS;
- arrange personal contact, including online contact, with children or young people they work with for a purpose unrelated to their work activities;
- disclose personal or sensitive information about a child or young person, including images of them, without their consent and/or the consent of their parent or legal guardian (except where this is required for mandatory reporting or other legal requirements);
- use inappropriate language in the presence of children or young people;
- show children or young people inappropriate images or material;
- undertake work activities with children or young people when under the influence of alcohol or prohibited drugs;
- ignore or disregard any suspected or disclosed risk of harm to a child or young person; and
- fail to protect a child from sexual abuse by another worker.

DHS workers can report suspected misconduct to the department's Incident Management Unit via [DHSIncidentmanagementUnit@sa.gov.au](mailto:DHSIncidentmanagementUnit@sa.gov.au) (refer to the [Incident Management Unit Procedure](#) for more information). Members of the public can report suspected misconduct where it relates to the department or a DHS worker via [DHS\\_PID@sa.gov.au](mailto:DHS_PID@sa.gov.au) (refer to the department's [Public Interest Disclosure Procedure](#) for further details).



## 7.5 Mandatory obligations

All DHS workers have a legal obligation to report child sexual abuse by another worker to the police and to protect a child from sexual abuse by another worker. Failure to meet these obligations may be considered a criminal offence.

Any DHS worker who develops a reasonable suspicion during their employment or engagement that a child or young person is, or may be, at risk of harm, must report that suspicion in accordance with the department's [Reporting Harm of Children and Young People Procedure](#).

## 7.6 Roles and responsibilities

Table 4 – Roles and Responsibilities

Role	Authority/Accountability
<b>Chief Executive</b>	<ul style="list-style-type: none"> <li>Complying with s145 of the <a href="#">Children and Young People (Safety) Act 2017</a> in respect of Chief Executive functions.</li> <li>Ensuring inclusive policies and procedures are maintained for the provision of safe environments for children and young people.</li> <li>Establishing a culturally inclusive governance framework for the protection, safety and wellbeing of children and young people.</li> <li>Ensuring the needs of children and young people are reflected in DHS programs and services.</li> <li>Promoting the shared responsibility of supporting the care and protection of children and young people to all DHS workers.</li> </ul>
<b>A/Executive Director, Workforce Development and Integrity</b>	<ul style="list-style-type: none"> <li>Ensuring policies and procedures regarding child safe environments and mandatory reporting are in place and communicated across DHS.</li> <li>Ensuring such policies and procedures are reviewed on a regular basis with active involvement from children, young people and families where required in the process.</li> <li>Ensuring a completed compliance statement is lodged with the DHS Child Safe Environments program to ensure a record of meeting this requirement is maintained.</li> <li>Monitoring that the provision of training to mandated reporters on their obligations is undertaken every three years and records maintained.</li> </ul>
<b>Director, People and Partnerships</b>	<ul style="list-style-type: none"> <li>Ensuring all DHS workers are aware of their obligation to report any reasonable suspicion of risk or harm to a child or young person.</li> <li>Making decisions regarding appropriate sanctions and/or disciplinary actions with respect to misconduct.</li> </ul>

<b>Executive Directors and Directors</b>	<ul style="list-style-type: none"> <li>• Ensuring that the provision of training to mandated reporters on their obligations is undertaken every three years and records maintained.</li> <li>• Ensuring risk assessments are undertaken to identify and mitigate risks to child safety.</li> <li>• Ensuring any new assessable information for a worker within their business area is immediately reported to the Screening Unit.</li> <li>• Ensuring all their workers are aware of their obligation to report any reasonable suspicion of risk or harm to a child or young person.</li> </ul>
<b>Managers and Supervisors</b>	<ul style="list-style-type: none"> <li>• Implementing activities to recruit and retain a workforce reflective of DHS client groups in line with DHS recruitment practice.</li> <li>• Ensuring legislative employment screening is completed and maintained for all DHS workers who work with children and young people.</li> <li>• Ensuring business area specific policies and procedures on child safe environments are maintained with active involvement from children, young people and families where required in the process.</li> <li>• Providing adequate training, supervision, and support to ensure DHS workers understand their obligations and contribute to the protection and support of children and young people.</li> <li>• Undertaking risk assessments to identify and mitigate risks to child safety.</li> <li>• Demonstrating supportive communication practices between themselves, children, young people, their families, and other stakeholders.</li> <li>• Ensuring information about their rights and DHS feedback processes are provided to children and young people.</li> <li>• Ensuring DHS workers are aware of their obligations and comply with this policy and the associated <a href="#">Reporting Harm of Children and Young People Procedure</a>.</li> <li>• Ensuring any breaches of the policy are dealt with promptly and appropriately.</li> <li>• Ensuring DHS workers are aware of and implement the Aboriginal and Torres Strait Islander Child Placement Principle to maintain the connection of Aboriginal and Torres Strait Islander children and young people with their family and culture and enable Aboriginal and Torres Strait Islander people to participate in the care and protection of their children and young people.</li> </ul>
<b>Incident Management Unit</b>	<ul style="list-style-type: none"> <li>• Investigating breaches of this policy and the associated <a href="#">Reporting Harm of Children and Young People Procedure</a>.</li> <li>• Ensuring all investigation processes are conducted in a culturally safe manner with a child focus and trauma-informed approach, seeking advice from cultural authorities within or available to DHS.</li> </ul>

<b>HR Business Partners</b>	<ul style="list-style-type: none"> <li>Supporting DHS workers to understand their obligations in respect of this policy and the associated <a href="#">Reporting Harm of Children and Young People Procedure</a>.</li> <li>Assisting with the management of breaches.</li> </ul>
<b>Mandated reporters</b>	<ul style="list-style-type: none"> <li>Ensuring every decision is made in the best interests of the child.</li> <li>Undertaking training and professional development activities to obtain and maintain the necessary skills and knowledge to meet the mandatory requirements of their role as it relates to their interaction with children and young people.</li> <li>Ensuring information shared about children and young people is provided in a culturally safe and appropriate manner in accordance with relevant directive documents.</li> <li>Working with relevant statutory authorities, other state government agencies and non-government organisations to promote and protect the safety of children and young people.</li> <li>Listening to and acting upon any concerns witnessed or raised by children, young people, or their families.</li> <li>Understanding their obligations as mandated reporters.</li> <li>Following the <a href="#">Reporting Harm of Children and Young People Procedure</a> to report any reasonable suspicion of risk of harm to a child or young person, including sexual abuse.</li> </ul>
<b>All DHS workers</b>	<ul style="list-style-type: none"> <li>Valuing and respecting the contributions of children and young people in continuous improvement activities and service development.</li> <li>Reporting any reasonable suspicion of risk of harm to a child or young person, including suspected sexual abuse, using the <a href="#">Reporting Harm of Children and Young People Procedure</a>.</li> <li>Understanding the requirement to protect a child from sexual abuse and reporting any failure to do so.</li> </ul>

## 7.7 Breaches

Breaches of this policy may be considered a breach of the [Code of Ethics for the South Australian Public Sector](#) (Code of Ethics), which may result in disciplinary action, including possible termination of employment, contract for services or engagement. Breaches may also lead to criminal proceedings.

Non-compliance by individual mandatory reporters who fail to make a CARL notification may face a maximum penalty of \$10,000 and be in breach of the Code of Ethics and the [Children and Young People \(Safety\) Act 2017](#). Failure to report suspected child sexual abuse or failure to protect a child from sexual abuse is a criminal offence as outlined in s64(a) of the [Criminal Law Consolidation Act 1935](#), with a maximum penalty of imprisonment for three years or 15 years respectively.

## 7.8 Communication

This policy and the associated [Reporting Harm of Children and Young People Procedure](#) are available on our website and upon request. These documents are provided to all DHS workers as part of their onboarding process.

DHS encourages and respects the views of children and young people and involves them in decision-making as appropriate. DHS provides clear age or developmentally appropriate explanations to children and young people, including their rights to safety and to be listened to, and that they can provide feedback or make a complaint if they have a concern to any worker or ask their parent/guardian to do this on their behalf.

## 7.9 Complaints and Feedback

Providing opportunities for complaints and feedback ensures that children, young people, and their families feel valued and respected and enables us to improve the quality of our service. Children, young people and their families are informed they can provide feedback or make a complaint verbally to any DHS worker via our [online feedback form](#) or via email at [DHSSaferFamilyServicesFeedback@sa.gov.au](mailto:DHSSaferFamilyServicesFeedback@sa.gov.au).

DHS will deal with all complaints and feedback received promptly, sensitively, and fairly by:

- listening to the complaint/feedback;
- responding to the complaint/feedback in accordance with the timeframes outlined in the department's [Customer Feedback and Complaints Policy](#); and
- storing decisions and actions taken in response to complaints and feedback securely to support service improvement.

Procedural fairness will be followed at all times.

If the child, young person or their family is not happy with the outcome from the complaints process, they can contact:

- Health and Community Services Complaints Commissioner on (08) 8226 8666
- [Australian Human Rights Commission](#) on 1300 656 419
- [South Australian Equal Opportunities Commission](#) (for complaints relating to discrimination) on (08) 8207 1977.

## 7.10 Policy Review

This policy will be reviewed on an as needs basis, or every three years, whichever is the earlier. The Manager, Policy and Governance will be responsible for initiating the review.

Review activities will ensure alignment with the [National Principles for Child Safe Organisations](#), with a new compliance statement lodged with the DHS Child Safe Environments team when the policy has been approved.

## 8. Risk

Table 5 – Risks Identified and Actions to Minimise

Risk	Action
<b>Change room requirements</b>	<ul style="list-style-type: none"> <li>• A minimum of two adults of the same gender as the children or young people must be present.</li> <li>• Supervision will be provided ensuring the child or young person's right to privacy.</li> <li>• Adults must not shower or change while supervising children or young people.</li> <li>• Phones, cameras and recording devices must not be used in the change room.</li> </ul>
<b>Online communications</b>	<ul style="list-style-type: none"> <li>• Cyber safety and social media guidelines are in place and provided to all workers.</li> <li>• Appropriate supervision is provided for all online activities.</li> <li>• Workers must not communicate with children or young people via social media.</li> </ul>
<b>Overnight and/or off-site activities</b>	<ul style="list-style-type: none"> <li>• Consent of the parent or guardian must be given.</li> <li>• Children and young people should be supervised by a minimum of two adults ideally of the same gender or gender identity as the children and young people attending.</li> <li>• Privacy when children or young people are bathing, toileting and dressing must be provided.</li> <li>• Children and young people will not be left under the supervision of unauthorised persons.</li> <li>• Sleeping arrangements will not compromise the safety of children or young people.</li> <li>• Children and young people have the right to contact their parents, or another adult, if they feel unsafe, uncomfortable, or distressed.</li> </ul>
<b>Physical contact</b>	<ul style="list-style-type: none"> <li>• Any physical contact must be appropriate to the delivery of services being provided.</li> <li>• Where physical contact is required, this is undertaken in a culturally safe way by explaining why contact is required and what will happen and asking the child/young person for their permission (or their family if this is more appropriate) before proceeding.</li> <li>• Unnecessary physical contact is not allowed.</li> </ul>
<b>Physical environment</b>	<ul style="list-style-type: none"> <li>• Maintain a risk register that is reviewed annually to ensure effectiveness.</li> <li>• Conduct risk assessments for all activities.</li> <li>• Ensure all equipment is in good working order.</li> </ul>

<b>Privacy and confidentiality</b>	<ul style="list-style-type: none"> <li>Documents and digital files containing confidential information will be stored securely with access restricted.</li> <li>Workers must not disclose information regarding any child or young person without written consent of the child, young person and their parent/guardian unless legally required to.</li> </ul>
<b>Supervision</b>	<ul style="list-style-type: none"> <li>Children and young people must be supervised by parents/ guardians at all times.</li> <li>If a child or young person is not collected by a parent/guardian at the agreed time, two adults must stay with child/young person until they are collected.</li> <li>One-to-one consultation with a child or young person will be in the line of sight of another adult.</li> </ul>
<b>Taking images</b>	<ul style="list-style-type: none"> <li>Consent of the child or young person and parent/guardian is required.</li> <li>Disclosure will be made to the child, young person and parent/guardian as to how the image will be used.</li> <li>Images must be presented in a way that de-identifies the child or young person.</li> </ul>
<b>Transporting</b>	<ul style="list-style-type: none"> <li>Workers must have approval to transport a child or young person.</li> <li>Parents/guardians must provide consent before transporting a child or young person.</li> <li>Workers must have a valid, unrestricted driver's licence.</li> <li>Vehicles must be registered, insured and in roadworthy condition.</li> <li>Workers must not be alone in a vehicle with a child or young person at any time.</li> </ul>

The absence of a policy may result in harm to a child or young person, non-compliance with the [Children and Young People \(Safety\) Act 2017](#), the [Child Safety \(Prohibited Persons\) Act 2016](#) and the [Criminal Law Consolidation Act 1935](#), public dissatisfaction, criticism and loss of departmental reputation.

## 9. Reference Documents

### 9.1 Directive documents

- [Children and Young People \(Safety\) Act 2017](#)
- [Child Safety \(Prohibited Persons\) Act 2016](#)
- [Criminal Law Consolidation Act 1935](#)
- [Statutes Amendment \(Child Sexual Abuse\) Act 2021](#)
- [State Records Act 1997](#)
- [Wellbeing and Safety Act 2012](#)
- [Youth Justice Administration Act 2016](#)
- [Code of Ethics for the South Australian Public Sector](#)
- [Critical Client Incident Policy](#)

- [Customer Feedback and Complaints Policy](#)
- [Screening Check Policy](#)

## 9.2 Supporting documents and resources

- [Critical Client Incident Reporting Procedure](#)
- [Incident Management Unit Procedure](#)
- [Information Sharing Guidelines](#)
- [Public Interest Disclosure Procedure](#)
- [Reporting Harm of Children and Young People Procedure](#)
- [Screening Check Procedure](#)

## 9.3 Related documents and resources

- [Commonwealth Child Safe Framework](#)
- [National Principles for Child Safe Organisations](#)
- [SNAICC Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principle](#)
- [Trust is a Must: South Australian Commissioner for Children and Young People September 2020](#)
- [What matters to Aboriginal Children and Young People, their families and communities: South Australia's Commissioner for Aboriginal Children and Young People Inaugural Report December 2019](#)
- [Responding to Risks of Harm, Abuse and Neglect – Education and Care training](#)
- [Safe Environments: Through their Eyes training](#)

## 10. Policy Approval

<b>Content Author:</b> Julie Cebulla Manager, Policy and Governance	..... <b>Nicole Deacon</b> Director, People and Partnerships  / /	 <b>Sally Nicholas</b> A/Executive Director, Workforce Development and Integrity  23 / 04 / 2025
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