



Families SA

Child Safe Environments: Frequently Asked Questions (FAQ)

1. Why do we need to comply?

The *United Nations Convention on the Rights on the Child* emphasises that:

- Organisations shall take all appropriate legislative, administrative, social and educational measures to protect children from all forms of abuse, neglect or negligent treatment, while in their care.
- Organisations have a duty of care to children with whom they work and with whom their agents, contractors and subcontractors work.

Section 8C of the *Children's Protection Act 1993 (SA)* ('the Act') states that:

- 1) *An organisation to which this section applies must, as soon as ... possible ... establish appropriate policies and procedures for ensuring—*
 - a) *that appropriate reports of abuse or neglect are made ...; and*
 - b) *that child safe environments are established and maintained within the organisation.*

2. Which organisations are affected?

Organisations that:

- provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or partly for children; and
- are government departments, agencies or instrumentalities or local government or non-government organisations.

'Organisation' includes 'any collective group that provides/engages in a service as a means to an end. Such an organisation must have structure (i.e. governance)'.

3. What do we need to do?

The Act requires that organisations develop and implement policies and procedures that reflect the standards of conduct and care developed and issued by the Chief Executive, Department for Families and Communities (DFC).

These policies and procedures may vary according to the size, nature and resources of the organisation. Many organisations already have some or all of the above elements written into their policies and practices. The legislation does not require that organisations re-write or reproduce their policies and procedures. It simply requires that the policy framework that is in place is of the standard set by DFC.

4. What if my organisation does not become child safe?

The focus of a child safe organisation is not simply to create an environment free from risk or danger. Rather it is about building an environment which is both child-safe and child-friendly, where children feel respected, valued and encouraged to reach their full potential. If an organisation does not establish policies and procedures that promote child safe environments, there is the potential for a child to suffer harm.

The Chief Executive, DFC is responsible for monitoring progress towards child safe environments in the government and non-government sectors and reporting regularly to the Minister for Families and Communities on that subject. As a result, your organisation may be asked to provide evidence of the progress that has been made towards establishing a child safe environment.

Under the *Children's Protection Act 1993*, organisations that do not establish appropriate policies and procedures for ensuring the establishment and maintenance of child safe environments may face a fine of up to \$10,000.

5. Who is required to report suspected abuse and neglect?

The *Children's Protection Act 1993* requires that, if a person has a reasonable suspicion that a child has been or is being abused or neglected and this suspicion is formed in the course of a person's work, the person must notify DFC as soon as practicable.

This applies to all **employees and volunteers** in a Government department, agency or instrumentality or a local government or non-government organisation that provides sporting or recreational services for children. The responsibility rests with the individual who may face a fine of up to \$10,000 if they do not report to DFC.

Under section 8C of the Act, **organisations** are responsible for ensuring that policies and procedures exist that ensure that appropriate reports of abuse or neglect are made.

6. Where can we access more information?

Copies of:

- *Child Safe Environments: Principles of Good Practice*
- *Child Safe Environments: Dealing with information obtained about the criminal history of employees and volunteers who work with children*

are both available from www.families.sa.gov.au/childsafes.

In addition, further information can be obtained from the Families SA website including other FAQ and additional resources which include useful links to various other sources of information to assist in implementing the *Good Practice Principles*.