

# KPK Evolution Pty Ltd - Policy and Procedures

## Safeguarding Children and Young People Policy

### **Purpose:**

The intention of this policy is to ensure protective practices for children, young people (under 18 years of age), and families are implemented by KPK Evolution Pty Ltd t/a HYPE Dance Mount Gambier to keep them safe (inclusive of cultural safety) from deliberate or inadvertent risk of harm and provide them with an understanding of such protective practices. This policy provides all KPK personnel with an understanding of their responsibilities to keep children and young people safe, while fostering a culture of openness and respect of cultural diversity, recognising all children have a right to be safe from harm, regardless of age, culture, religion, gender, sexuality, identity or disability. It also sets out the responsibilities of managers and senior leaders across KPK.

### **Context:**

This policy represents the position of KPK Evolution Pty Ltd as an organisation providing services for young and vulnerable people as defined in the *Children and Young People (Safety) Act 2017 (Chapter 8, s114(7), and Chapter 5)* and the duty KPK personnel have to ensure children and young people are kept safe from harm. KPK Evolution Pty Ltd is also informed by the Commissioner for Aboriginal Children and Young People. It is supported by the department's Child Safe Code of Conduct, and the Mandatory Notification Policy and associated Procedure.

### **Aboriginal Impact Statement Declaration:**

The needs and interests of Aboriginal people have been considered in the development of this policy. KPK acknowledges outcomes for Aboriginal and Torres Strait Islander children and young people in care have historically been, and continue to be, poor. KPK Evolution Pty Ltd firmly believes that it is unacceptable for the outcomes of Aboriginal and Torres Strait Islander children and young people to be any different to those for children and young people in care generally. Cultural considerations are a crucial part of the risk assessment process in providing a safe environment to children and young people and when responding to feedback.

### **Scope:**

This policy applies to all KPK Evolution Pty Ltd (HYPE Dance Mount Gambier, Take the Stage Dance Competition and Perfect Pix Photobooth) staff, contractors, students on placement, consumer advisors, and volunteers (personnel) working with children and young people across all settings and activities.

**Definitions:**

This policy uses many of the definitions from the *Children and Young People (Safety) Act 2017*.

***Legislative definition of Child or Young person:***

A person who is under 18 years of age.

*s16(1) Children and Young People (Safety) Act 2017*

***Legislative definition of harm:***

Physical harm or psychological harm (whether caused by an act or omission) and, without limiting the generality of this subsection, includes such harm caused by sexual, physical, mental, or emotional abuse or neglect.

Psychological harm does not include emotional reactions such as distress, grief, fear, or anger that are a response to the ordinary vicissitudes of life.

*s17 Children and Young People (Safety) Act 2017*

***Legislative definition of "At Risk":***

Refer to *s18 Children and Young People (Safety) Act 2017* for the full definition, which includes:

- The child or young person has suffered harm.
- There is a likelihood that the child or young person will suffer harm.
- There is a likelihood that the child or young person will be removed from the state for an unlawful act or procedure to be undertaken.
- The parents or guardian of the child or young person are unable or unwilling to care for them.
- The child or young person is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence.
- The child or young person is of no fixed address.

**Legal definition of parent:**

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.

*s16 Children and Young People (Safety) Act 2017*

**Legal definition of guardian:**

guardian or guardians of the child or young person pursuant to an order of the Court under the Safety Act.

*s16 Children and Young People (Safety) Act 2017*

**Legal definition of employee:**

- a. is a self-employed person; or
- b. carries out work under a contract for services; or
- c. carries out work as a minister of religion or as part of the duties of a religious or spiritual vocation; or
- d. undertakes practical training as part of an educational or vocational course; or
- e. carries out work as a volunteer;

and a reference to something occurring in the course of the person's employment is to be construed accordingly.

*s30(4) Children and Young People (Safety) Act 2017*

**Personnel:**

All KPK staff, contractors, students on placement and volunteers.

**Consumer advisors:**

Individuals who are engaged by KPK to provide feedback and collaborate on the design of programs, projects, events, documents and other matters. Also known as System Advisors.

**Policy Detail**

**Principles:**

KPK recognises and acknowledges children and young people are valued citizens, and the future of South Australia is inextricably bound to their well-being. As a result, it is of vital importance to South Australia that all children and young people are given the opportunity to thrive. As per *s4(2) of the Children and Young People (Safety) Act 2017*, the outcomes for all children and young people are to be safe from harm; do well

at all levels of learning and have skills for life; enjoy a healthy lifestyle; and be active citizens who have a voice and influence. KPK recognises it is the duty of every person in South Australia to safeguard and promote these outcomes for children and young people.

KPK values all children and young people and seeks to keep them safe from harm and provide opportunities to thrive. KPK provides children and young people with an environment in which they feel safe, valued, respected, and encouraged to reach their individual potential.

KPK will prioritise the execution and responsibility of powers relating to the safety and well-being of children and young people to provide early intervention in matters where there is a risk of harm.

KPK will continue to develop an organisational culture to embed the protection and support of children and young people through awareness of its responsibility at all levels. This is included in KPK screening processes and requirements at the point of recruitment and selection and as part of regular compliance reviews. These processes and requirements are in keeping with the provisions set out in the *Child Safety (Prohibited Persons) Act 2016* and to support the provision of child safe environments.

KPK continues to work to ensure all personnel implement child safety and protection into all aspects of their work in a non-biased way.

### **Responsibilities:**

To minimise risk and provide safety to children and young people, KPK personnel have the following responsibilities.

#### ***The Directors will:***

- comply with the requirements of the *Children and Young People (Safety) Act 2017*, in particular s114 and s145;
- ensure inclusive policies and procedures are created and maintained for the provision of safe environments for children and young people;
- establish a governance framework for the protection, safety and wellbeing of children and young people through policies, procedures, training and support for staff;
- ensure the governance framework is culturally inclusive;
- promote the shared responsibility of supporting the care and protection of children and young people to all KPK staff; and
- ensure partner organisations are aware of their obligations to maintain the care and protection of children and young people.
- ensure up to date policies and procedures regarding child safe environments and mandatory reporting are in place and communicated across KPK personnel; and

- ensure such policies and procedures are reviewed on a regular basis, every three years or as required, and there is active involvement from children, young people and families in the review process.

***Management personnel will:***

- follow KPK recruitment policies and guidelines when recruiting personnel to ensure appropriate screening checks are conducted;
- ensure child-related, and disability services if applicable, employment screening is completed and maintained for all personnel in KPK who work with children and young people;
- ensure business area specific policies and procedures regarding child safe environments and mandatory reporting are maintained and support those that apply to all of KPK;
- ensure business area specific policies and procedures maintained on a regular basis, every three years or as required, and there is active involvement from children, young people and families in the review process;
- ensure all personnel are provided with information about their child safeguarding obligations at induction, which includes a copy of the relevant policies, procedure and code of conduct;
- provide adequate training, supervision, and support to personnel to ensure they understand their obligations and contribute to KPK's organisational culture of protection and support of children and young people;
- ensure training in the protection and support of children and young people includes cultural training, supervision, and guidance;
- ensure that all alleged breaches of this policy are investigated and responded to; and
- ensure investigations of breaches of this policy are child-focused at all times.

**Breaches:**

Breaches of this policy may be considered a breach of the Code of Ethics, which may result in disciplinary action, including possible dismissal or termination of agreement. Breaches may also lead to criminal proceedings.

**Mandatory Reporting:**

It is the obligation of all KPK personnel to report a reasonable suspicion a child or young person is, or may be, at risk of harm are outlined in the department's Mandatory Notification Policy and associated Procedure.

**Code of conduct:**

Expectations of KPK personnel are detailed in the Code of Conduct, Teachers code of Ethics, Protective practices, Child Safe organisation – required personnel documentation, and Subcontractor contract documents.

**Policy Review:**

This policy will be reviewed on an as-needed basis, or every three years, whichever is the earlier.

Review activities will ensure alignment with the National Principles for Child Safe Organisations and will also consider improvements that can be made to child-safe policies and procedures across KPK Evolution Pty Ltd.

**Risk:**

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*, public dissatisfaction, criticism, and loss of departmental reputation.