



NUMBER	POL 075	PAGES	10
VERSION	V6.1	CREATED:	03/07/2009
		LAST MODIFIED:	03/09/2025
		REVISION:	03/09/2026

DOCUMENTS:

- Complaint/Appeal Report Form
- Children and Young People (Safety) Act (s.115))
- Child Safety (Prohibited Persons) Act 2016
- Statutes Amendment (Child Sexual Abuse) Act 2021
- Complaint Policy
- Staff Selection and Recruitment Policy

REFERENCES:

- Professional Learning and Development Policy
- Risk Management
- Dissemination of Information
- Code of Conduct (Employee)
- Code of Conduct (Student)
- Acceptable Use of IT
- Access Equity and Fairness

RELEVANT STANDARDS

- Standards for Registered Training Organisations (RTOs) 2025
- ELICOS National Standards (2018)
- Education Services for Overseas Students (ESOS) Act 2000
- National Code of Practice for Providers of Education and Training to Overseas Students 2018

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SPECIAL NOTE

Adelaide Institute of Business and Technology (AIBT) will be working with minors (people under 18 years of age) undertaking the SACE qualification, ELICOS and ASQA regulated qualifications. AIBT accepts minors into ELICOS courses conducted at the Adelaide CBD site and Partner sites as may vary over time.

PURPOSE

Under the Children and Young People (Safety) Act 2017 and Child Safety (Prohibited Persons) Act 2016 it is law that all persons tasked with the care of minors (people under the age of 18) must have current Working with Children Check (WWCC) and best practice that they undertake RRHAN-EC training.

The Children and Young People (Safety) Act 2017 and Child Safety (Prohibited Persons) Act 2016 place a duty of care on the organisation and all persons individually who deal with children under the age of 18 years of age whether in an employed or voluntary capacity.

The purpose of this document is to ensure that all AIBT employees and contractors are aware of their responsibilities in relation to the protection of children as it applies to their engagement with AIBT.

DEFINITION

Act	Children and Young People (Safety) Act 2017; and Child Safety (Prohibited Persons) Act 2016; and Statutes Amendment (Child Sexual Abuse) Act 2021 as amended from time to time.
Child Safe Compliance Statement	A statement that must be lodged with Department of Human Services (DHS) by all organisations that provide services to children and young people that demonstrates they comply with the minimum requirements for establishing and maintaining a child-safe environment.
Child / Children	Persons less than 18 years of age.
Criminal History Check Assessment	An assessment based on the resultant report as to the suitability of the individual for the role applied for.
DfE	Department for Education (SA)
Harm	Section 17 of the Safety Act defines 'harm' to mean physical or psychological harm (whether caused by an act or omission), including harm caused by sexual, physical, mental or emotional abuse or neglect.



Mandated Notification	Legal requirement to report suspected cases of harm or risk of harm to authorities.
Minor / Minors	Persons less than 18 years of age.
RRHAN-EC Training	Responding to Risk of Harm, Abuse and Neglect training.

POLICY

Scope

This policy applies to:

- all persons and entities acting in concert with, on behalf of, or employed or engaged by AIBT and involved in delivery of services to persons under 18 years of age.
- Complaints by children and young people about AIBT
- Complaint by children and young people about third party providers, external service providers and contractors
- Homestay hosts, education agents

AIBT has adopted the Child Safety Risk Identification Checklist for internal review and to assist in working towards best practice.

Child Safe Policy

It is the policy of AIBT to ensure that all children who may access AIBT services feel and are safe and respected.

It is the policy of AIBT to ensure that all people who will or may have contact with minor children will be required to:

- undertake a Criminal History Check Assessment; and
- have current, not prohibited Working with Children Check (WWCC)
- advertisements for vacancies include the requirements for WWCC
- applicants are required to provide WWCC in their applications or provide one prior to commencement if the role involves contact with children or young people
- WWCC details are entered into a register to enable tracking of WWCC renewal due dates
- AIBT provides funding for permanent staff to ensure WWCC are always current and on file
- Casual staff are reminded that their WWCC is due for renewal
- Staff undertake professional development in child safe understanding and procedures

AIBT will utilise the services of Department of Human Services / DHS Screening for the

performance of Working with Children Checks (WWCC).

Working with Children Checks will be renewed in line with their published currency period, or not less than 5 yearly.

Commitment to Child Safety

AIBT is committed to the safety and well-being of all our clients and of particular priority that of children.

Children will be supervised at all times during AIBT service provision.

All staff dealing with children will be provided with all reasonable support and supervision.

Child Safety Officer / Student Support Officer / Guardianship

The Child Safety Officer's role will include:

- Acting as the first point of contact to provide advice and support to children, parents, staff and other AIBT stakeholders in regard to child safety and wellbeing;
- Maintaining up to date knowledge of Children's Protection issues;
- Acting as the information and procedural conduit between regulatory authorities, Management Advisory Committee, staff, children and parents and other AIBT stakeholders.

Children's Participation

AIBT will have children undertaking Certificates where the minors have been unsuccessful in their High School Studies. AIBT staff and contractors are required to comply with the Act and this policy/procedure.

Children who may access AIBT's services will be:

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

RRHAN-EC Training

RRHAN-EC Training is a compulsory Professional Development requirement for AIBT staff and training contractors. All employees and training contractors are to provide AIBT with evidence of currency in the first week of July each year along with their Professional Development evidence.

Non-Training Contractors and External Providers and Partners



When a non-training contractor (not delivery of training), external training providers and/or Partners are contracted to provide all or a portion of a program AIBT will ensure and have documented in a Memorandum of Understanding that the external provider:

- has an appropriate Criminal Screening and Working with Children Check process for any individual and/or entity acting on their behalf;
- will evidence appropriate understanding of responding to risk of harm, abuse and neglect and related notification requirements for all of its employees or agents;
- has the appropriate level of public liability insurance.

Sexual Abuse

New criminal offences are now in effect for failure to report sexual abuse of a minor, and/or failure to protect a minor from sexual abuse. AIBT takes these matters seriously and applies a zero tolerance to all instances of sexual abuse of a minor.

Criminal offences apply to prescribed people, who are defined as adult employees of AIBT including:

- a person who is self-employed and carries out work for AIBT
- a person who carries out work under a contract of services for AIBT
- a person who undertakes practical training with AIBT, or
- a person who carries out work as a volunteer for AIBT.

Failure to report child sexual abuse

All adult workers are guilty of an offence if they fail to report to police that they know or suspect that another person (the abuser) is an employee of AIBT and is, has, or is likely to sexually abuse a child.

Failure to protect a child from sexual abuse

All adult workers are guilty of an offence if:

- they know there is a substantial risk that another person, who is also an employee of AIBT, will engage in the sexual abuse of a child, and
- the adult worker has the power or responsibility to reduce or remove that risk but negligently fails to do so.

AIBT has an expectation that an adult worker who knows there is a substantial risk that another employee will engage in the sexual abuse of a child, will take all action they can (commensurate with their role and responsibility) to reduce or remove the risk.

PROCEDURE

Electronic Media

AIBT will ensure that access to the internet will have controls and restricted sites preventing the accessing of inappropriate and/or dangerous sites for minors.

All AIBT stakeholders should refer to the AIBT Acceptable Use of IT policy and in particular that



it is prohibited for AIBT stakeholders to access, download or in any way engage in pornographic or illicit sites, dispersing of emails or other digital messaging containing such content including jokes, and accessing social media that is not specifically designed or intended for the support of learning by AIBT.

Pre-Employment

At interview all candidates for employment for any position connected with delivery of services to minors will be advised of the requirements for:

- evidence of current RRHAN-EC Training to at least the Fundamentals level;
- a current, not prohibited Working with Children Check
- reference checks.

Prior to employment/engagement of new employees and/or contractors AIBT will:

- request current, not prohibited Working with Children Check provided by the candidate / contractor;

External Providers and Partners (if engaged)

AIBT rarely engages with organisations that are not established educational institutions. However, when AIBT does have a cross over of staff, venue and programs, AIBT will require all External Providers and potential Partners working with any minor AIBT student(s) to:

- the organisation is able to supply their current Child Safe Environment Compliance Statement
- the WWCC for their staff are provided to show that they are not prohibited working with Children
- show that they comply with the Act; *and*
- show that they have relevant and active policies and procedures in place to support compliance with AIBT's obligations.

Employees and Contractors

AIBT will require all employees and contractors to provide evidence, in the first week of July of each year, of current RRHAN-EC Training.

AIBT will ensure all workers who work with children and young people renew their Working with Children Check every 5 years. AIBT maintains a register of all staff and the dates on which their WWCC need to be renewed. The register dates for renewal are in a corporate calendar as a reminder set for follow up by the Operations Manager and corporate services staff

AIBT will ensure that employees who work with minors have ongoing supervision, support and training to ensure the promotion of a child safe environment in which minors can safely participate in AIBT courses, programs, and services.

REPORTING OF SUSPECTED HARM OR RISK OF HARM

Mandated reporters in our organisation are workers who provide services to children and young people and those who hold a management position in the organisation the duties of



which include direct responsibility for, or direct supervision of, the provision of those services to children and young people.

Mandated reporters have a legal obligation to report directly to the Child Abuse Report Line (CARL) on 13 14 78 as soon as practicable if they have a suspicion that a child or young person has been harmed or may be at risk of harm. If the child or young person is at immediate risk, report to South Australia Police (SAPOL) on 000 (triple zero).

Even if not a mandated reporter, any person can report harm or risk of harm to a child or young person. The non-mandated reporter who identifies the harm or risk of harm is encouraged to make the report to authorities and can request the support from another worker to do so if required.

Information about making appropriate reports of harm or risk of harm is available from the South Australian Department for Child Protection website:

<https://www.childprotection.sa.gov.au/reporting-child-abuse>

Following a report being made to CARL or SAPOL, workers must make an internal report to management. We will be guided by the Department for Child Protection and/or SAPOL after a report has been made as to whether we can conduct an internal investigation.

If a worker is reported to CARL or SAPOL for causing harm or risk of harm to a child or young person, they will be removed from any role that involves working with any child or young person until authorities have concluded their investigation.

Following a report to CARL or SAPOL we will support the child or young person by:

- referring the child, young person or their family to other appropriate services
- continuing to provide a service to the child, young person and their family and monitor their circumstances.

We will document all information received regarding the report and store this securely in a separate file.

Privacy and Confidentiality

- if a person has reasonable suspicions of harm or risk of harm to a child or young person, they must report directly to CARL 13 14 78 or SA Police on 000 if CYP is at immediate risk. They can make an internal report following making a report to CARL/SA Police.

All reports will be treated with the highest confidentiality and in line with AIBT Privacy Policy and the Privacy Act 1988. The only people privy to reports are:

- the person making the report and Operations Manager if the person making the report chooses to include an internal report.
- ***Staff shall not make any attempts at an internal investigation***



- internal investigations may not occur without the sanction of DCP or SAPOL. You may inadvertently destroy the chain of evidence, place the child or young person at greater risk of harm, precondition witnesses and expose AIBT and the person who formed the belief to court proceedings or fines.

Any person found to have breached the privacy and confidentiality of a report or a minor or minor's privacy will be subject to investigation and disciplinary action up to and including summary termination of employment or contract. Where criminal action is suspected to have taken place, a report will be made to the SA Police.

STAKEHOLDER INVESTIGATION OR CHARGES OF A SERIOUS CRIMINAL OFFENCE

Investigation For Criminal Offences

Where an AIBT stakeholder is under investigation for a serious criminal offence AIBT will require the individual or entity to immediately suspend all work or services until the matter is resolved.

Allegations Not Upheld

Where allegations are not upheld, and AIBT has reasonable and serious concerns that the alleged perpetrator may have conducted themselves in an inappropriate manner AIBT reserves the right to terminate the individual entity's employment, contract or services.

Where allegations are not upheld and AIBT has reasonable unsupported concerns that the alleged perpetrator may have conducted themselves in an inappropriate manner AIBT reserves the right to reinstate the individual or entity's employment, contract or services with whatever conditions AIBT determines are necessary.

Where allegations are not upheld, AIBT is sufficiently convinced that the alleged perpetrator did not conduct themselves inappropriately AIBT will reinstate the employment, contract or services of the individual or entity.

Where allegations are upheld, for example where charges are laid, please refer to **Charged with Serious Criminal Offence** below.

Charged with Serious Criminal Offence

Where an individual or entity representative is charged with a serious criminal offence

AIBT will maintain suspension of employment or services until the issue has been resolved.

Where charges are not upheld, AIBT has reasonable and serious concerns that the alleged perpetrator may have conducted themselves in an inappropriate manner AIBT reserves the right to terminate the individual entities employment, contract or services.

Where allegations are not upheld, AIBT is sufficiently convinced that the alleged perpetrator did not conduct themselves inappropriately AIBT will reinstate the employment, contract or services of the individual or entity.

Where charges are upheld, and a conviction is recorded AIBT will summarily terminate all engagement with the individual and preclude that individual from participating in any services to minors at AIBT.

RESPONSE and REPORTING PROCESS

Minors may make a complaint verbally and directly to any AIBT staff member with whom they feel most comfortable doing so.

- If the situation is assessed as an emergency the staff member will call 000

All serious concerns must be reported/notified via the CARL telephone report line and **not** via the e-CARL online reporting system.

Serious concerns include any of the following:

- you suspect a child, or young person is in imminent or immediate danger of:
 - serious harm
 - serious injury or death (including if they have a current injury suspected as caused by abuse or neglect)
 - chronic neglect
- an infant (under 12 months) has any injury (includes bruises for babies who are not mobile)
- a child or young person has been abandoned or is currently unsupervised
- a plausible threat has been made to kill or seriously harm a child or young person
- a child or young person has experienced sexual abuse and has contact with the alleged perpetrator within the next 24 hours
- the concerns are for a child or young person who is under the Guardianship or Custody of the Department for Child Protection.

The staff member will show care and concern when interacting with a child by

- remembering the child or young person may be experiencing a crisis
- listening carefully
- controlling your own expressions of panic or shock
- taking what the child or young person says seriously
- using the child or young person's own words
- telling the child or young person that this has happened to other children and young people and that some adults do wrong things
- reassuring the child or young person that they have done the right thing by telling you
- telling the child or young person you will do your best to support them but do not make promises you may not be able to keep
- explaining to the child or young person that you need to tell someone who can help them.
- assist the minor or minors and their parent(s) or guardian(s) to access and formalise the AIBT complaints process
- Use open ended questions



You may need to ask more questions to clarify the situation, which will also help provide sufficient information for Child Abuse Report Line staff to make an informed assessment if the disclosure requires a report/notification to the Child Abuse Report Line. Ask open-ended questions as these will not lead to the answers you receive in a particular direction. Open ended questions are the best way to gain more information from the child or young person, particularly if they are feeling vulnerable or afraid or are testing out how prepared you are to hear what they want to tell. Open questions invite whatever information the respondent wishes to provide and do not imply directions for the answer or a limited range of options to choose from. Examples of open-ended questions are:

- Tell me more about...
- How did it happen?
- What happened?
- And then what happened?
- Who was there?
- How do you feel about it?
- How often has it happened?
- How does the other person react?
- Tell me about your relationship with...
- How do you see your future?
- Who are the children or young people in this photograph? Tell me about them.

Do not use leading questions

A leading question implies or contains its own answer. It subtly prompts the respondent to answer in a particular way. Leading questions can lead to a disclosure off track, prompting the respondent to answer in the way they think you want to hear or are comfortable with rather than what they want to share.

The open-ended question allows the respondent to answer with a range of answers. Rephrase a leading question so that it no longer suggests an answer.

What not to report

The following concerns are not reportable via the process above

- Criminal Behaviour
- Parent/guardian/caregiver recreational drug or alcohol use
- Sibling fights and arguments
- Non-suspicious injury, where there an explanation for the injury
- Mental health issues
- Experimental drug, alcohol, smoking/vaping
- There is no reasonable grounds for suspecting harm

RESPONSIBILITIES

Employees and Contractors

It is the responsibility of all AIBT employees to:

- ensure that they and others in direct contact with minors conduct themselves in an appropriate and respectful manner at all times;
- abide by the Code of Conduct – Employees;
- ensure that they abide by the requirements of the Acts in regard to suspected reportable situations;
- Third party contractors, service providers will be supervised at all times while on site when children and young people are present

External Provider and Partners (including Homestay Hosts)

It is the responsibility of External Providers and Partners to ensure that they meet the requirements of this policy and in particular:

- compliance with the Acts; *and*
- maintaining relevant and active policies and procedures in place to support ongoing compliance with AIBT's obligations.
- It is the responsibility of AIBT to ensure that external providers have WWCC and are not prohibited from working with children and young people

Operations Manager

It is the OM's responsibility to:

- ensure that AIBT complies with the legislation
- ensure AIBT does not breach the provisions of this policy or the Acts.

Students

It is the responsibility of all students, minor or adult, to:

- abide by the Code of Conduct (Student) and Code of Conduct (Employee) as applicable;
- immediately report any instance or suspicion of harm by any stakeholder to any person by informing the AIBT employee with whom they feel most comfortable doing so.
- Attend induction, orientation and training as structured by AIBT post enrolment

ACCESS TO THIS POLICY and UPDATES

A copy of this Policy and its related policies and procedures shall be available for all minors, parents and guardians openly available on the AIBT website and in a publicly available folder at reception

A copy of this policy is provided to all workers as part of their induction.

The policy is to be disseminated to all staff via email each time it is updated and when there are

legislative changes.

The policy and implementation of procedures is on the staff meeting agenda and any issues /incidents are discussed.

Staff training and WWCC updates are notified via meetings and email communication