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- POLICY -

# **Safe Environments for Children, Young and Vulnerable People**

## Policy Statement

TAFE SA must provide a safe physical and online environment where the protection and wellbeing of children, young and vulnerable people is achieved through safe practices. TAFE SA will provide and promote safe and nurturing environments for children, young and vulnerable people to learn, that will reduce the risk of harm to them.

This policy aims to ensure that the TAFE SA community is aware of the legislative requirements pertaining to child safety and the associated duty of care to provide for the protection, safety and wellbeing of children and young people always.

## Scope

This policy applies to all TAFE SA staff and students (including hourly paid instructors (HPI's) and casuals). This policy also applies to contractors, consultants, industry visitors, volunteers, Board members, and visitors from other government agencies.

Children, young and vulnerable people (see Definitions) are frequent and welcomed users of TAFE SA spaces and resources. This policy outlines the obligations that apply to those within scope to ensure TAFE SA environments and activities are operated in a safe and inclusive manner.

## Policy

### ***Commitment to the safety of children, young and vulnerable people***

TAFE SA is committed to ensuring that children, young and vulnerable people are valued, respected, and encouraged to participate and that the safety and protection of children and young people is always the first priority.

At TAFE SA, staff will ensure that children, young and vulnerable people are safe and able to learn in an environment where they belong. TAFE SA celebrates the diversity of all students. TAFE SA does not permit abuse, exploitation of, or harm of children, young and vulnerable people.

TAFE SA is committed to the principles of equity, diversity, and inclusion and to the belief that all children, young and vulnerable people, belong, regardless of their abilities, sex, gender identity, socioeconomic or cultural background. Bullying and harassment will not be tolerated, and appropriate action will be taken (refer to [TAFE SA Respectful Behaviours Policy](#)).

This policy complies with the *Children and Young People (Safety) Act 2017 (SA)*, *Child Safety (Prohibited Persons) Act 2016 (SA)* and the *National Principles for Child Safe Organisations*.

All members of the TAFE SA community, including staff members, students, parents, and guardians must abide by the *TAFE SA Child Safe Code of Conduct* ("the Code of Conduct") (Appendix 1).

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This Policy and the Code of Conduct are available to staff on the TAFE SA Policy Portal and [RRHAN Intranet page](#); to students on the [Child Protection section](#) and the [Student Safety and Wellbeing section](#) of the student website; and to children and their families of the TAFE SA Childcare Services Network upon request to the Service. Information about services that can assist children, young and vulnerable people will be clearly displayed in areas accessed by them.

This policy should also be read in conjunction with the [TAFE SA Crisis and Incident Management Policy and Procedure and Notification of Active Situations](#) guideline all available on the [Crisis & Incident Management intranet page](#).

[Notification of Active Situations](#) guideline provides advice on the specific actions that should be taken if TAFE SA is required to respond to emergencies on campuses, bushfires and natural disasters, care of students and critical incidents,

### ***Recruitment and legal requirement for Working with Children Checks***

TAFE SA uses a risk management approach and clear strategies in place to ensure that only the most suitable people are engaged to work at TAFE SA, including those working or volunteering with children, young and vulnerable people. All positions in TAFE SA have been deemed by the Chief Executive as prescribed positions for the purpose of requiring a Working with Children Check, under the *Child Safety (Prohibited Persons) Act 2016 (SA)*.

The TAFE SA [Working with Children Checks Policy](#) details the process and requirements for employees, volunteers and labour-hire contractors related to these Checks, as well as how TAFE SA advises the DHS Screening Unit if they become aware of certain information related to an employee of TAFE SA.

Students in some TAFE SA courses are required by Placement Providers to hold a valid Working with Children Check before undertaking a placement (more information can be found in the [TAFE SA Vocational Placement Coordinator Information Booklet](#)).

### ***Creating environments that are safe for children, young people, and vulnerable people***

TAFE SA adopts a risk-management approach to the protection of children, young and vulnerable people who are, or may be, involved in TAFE SA related activities. All staff are required to actively assess the potential risk of harm in operational areas or activities for which they are responsible, and to anticipate the presence and involvement of children, young and vulnerable people on TAFE SA campuses and in approved activities.

TAFE SA must provide staff with access to training and resources to foster an understanding of their obligations for child safety and protection, including in online environments.

TAFE SA provides staff with training and resources and staff must understand their obligations for ensuring child safety and protection, including in online environments.

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This training is mandatory for all staff (including Childcare educators) and must be completed within 3 months of commencement at TAFE SA. There is a requirement to complete refresher training prior to the expiry date.

The Chief Executive, TAFE SA must lodge a Child Safe Environment Compliance Statement with the Department of Human Services SA, verifying that TAFE SA has relevant policies and procedures in place as required by the *Children and Young People (Safety) Act 2017* (section 114). The Compliance Statement should be updated through the Department of Human Services SA, each time this policy is updated, at a minimum of every 5 years.

All staff are also responsible for appropriate record keeping, information sharing and reporting in relation to children, young and vulnerable people, in line with the [TAFE SA Records Management Policy](#), [TAFE SA Privacy Policy](#) and [TAFE SA Accident and Incident Procedure](#).

### ***Managing disclosures or formal reports of harm or risk of harm to children and young people***

#### ***Mandated notifiers***

All TAFE SA roles are prescribed as mandated notifiers by the TAFE SA Chief Executive (see the [Department for Child Protection website](#) for more information on mandated notifiers and their role).

Where there is immediate harm or danger for the child, young or vulnerable person, the police must be called.

The *Children and Young People (Safety) Act 2017* requires all mandated notifiers to immediately report to the Department of Child Protection where they suspect risk or harm has/may occur. A mandated notifier must make the notification as soon as is reasonably practicable after forming the suspicion.

The mandated notifier who identifies the harm or risk of harm must be the person who makes the report to CARL/SAPOL, and not reported internally for another staff member to determine if it is a reportable matter. A mandated notifier's duty of care is not over when they make a report to CARL. They should consider how they can continue to respond to the needs of the child and their family.

All disclosures, formal reports, or suspicions of harm or risk of harm to children, young and vulnerable people, must be reported to Director of People and Culture and Director Student Services.

#### ***Other members of the TAFE SA community***

It is recommended that all members of the TAFE SA community including contractors, consultants and industry visitors immediately report allegations of harm or risk of harm, or concerns that a child or young person needs protection. They should report this to the Child Abuse Report Line (CARL) on 13 14 78 and/or their Site Manager, their TAFE SA

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contact person, the Security Office of that particular campus, or the Student Success and Wellbeing Counsellors.

Where there is an immediate threat, SA Police should be contacted on 000. For non-urgent police assistance, SA Police can be contacted on 131 444.

In cases involving Aboriginal children and young people, support is provided by Yaitya Tirramangkotti – an Aboriginal team, via the CARL phone number.

### *Reporting Risks of harm to TAFE SA Students*

TAFE SA maintains internal procedures, processes and risk assessment tools to manage the risk of student-to-student harm. These processes must be applied consistently and fairly across the organisation. Concerns regarding this policy matter and perceived student to student risks should be reported by contacting the Manager, Student Success and Wellbeing.

If the individual at risk of harm is a student of TAFE SA (under 18 years of age), after reporting to CARL, staff must also report their reasonable suspicion following the [Accident and Incident Procedure](#) and the [Student Critical Incident Policy](#). The Director, Student Experience must be notified in any incidents involving minors and/or school students, police reports, sexual assault and/or harassment, and incidents involving serious injury. The staff member must also report this to their Line Manager and/or Director so that the staff member can be provided with appropriate advice and the student with the necessary support.

If the risk relates specifically to sexual assault and/or sexual harassment of a minor, then the [Sexual Assault and Sexual Harassment Policy](#) should also be followed, and the Student Success and Wellbeing Counsellors contacted so that the appropriate response can occur.

Where a staff member suspects that this risk may be associated with the conduct of another TAFE SA staff member, the Director, Workforce Alignment must be notified and this should also be reported in conjunction with the [TAFE SA Crisis and Incident Management Policy and Procedure](#) and [Notification of Active Situations](#) guideline all available on the [Crisis & Incident Management intranet page](#).

Where a student suspects that a fellow student (under 18 years of age) is at risk of harm from a TAFE SA staff member, then the process detailed in the section above *Other members of the TAFE SA community* should be followed. The reporting student may also contact Student Success and Wellbeing Counsellors for support.

Student Success and Wellbeing Counsellors and/or International Unit staff will ensure that appropriate external agencies are engaged, and notifications made where required if a student is under 18 years of age. Student Success and Wellbeing Counsellors will implement the *Student Services Procedure for Responding to Distressed Students*. Staff shall retain notes relating to student incidents suitable for incident reporting and governance purposes. A form for data collection of critical incidents ('TAFE SA Student Critical Incident Reporting Form') can be found in the [Student Critical Incident Policy](#). This

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form is to be sent to the Director, Student Experience who will retain a register of critical incidents for reporting requirements.

Further information regarding TAFE SA International Unit's response and International Student's Support Incident Protocol can also be found in the [Student Critical Incident Policy](#).

### *Children at TAFE SA Childcare and Creche Services Network*

TAFE SA provides quality Childcare Services available for use by TAFE SA students, staff, and the wider community, compliant with State licensing and national accreditation quality standards. The TAFE SA Childcare Services Network ('the Network') recognises its duty of care to all children attending its services and upholds the child's legal right to care and protection. The Network follows the Department for Child Protection guidelines for mandated notifiers when dealing with any allegations of suspected harm or risk of harm to children. The Network has policies relevant to the protection of children in their care and can be accessed via the TAFE SA [Childcare intranet page](#).

Childcare and crèche's must also follow TAFE SA [Accident and Incident Procedure](#), TAFE SA [Crisis and Incident Management Policy](#) and [Procedure](#) and [Notification of active situations](#) guideline all available on the [Crisis & Incident Management](#) intranet page.

The Education Standards Board also require that any serious incident be reported as soon as practical, and within 24 hours. Further details regarding reporting obligations can be found on the [Education Standards Board – Notifying a serious incident](#) page.

The Childcare Network will hold an annual certificate of interrogation according to Education Standards Board of South Australia.

### *TAFE SA's Commitment*

TAFE SA will take prompt and appropriate action on any allegations of suspected harm or risk of harm to children, young or vulnerable people. Support for impacted staff is available via the [Employee Assistance Program](#).

TAFE SA will have transparent processes to manage all allegations of suspected harm or risk of harm sensitively and expeditiously, in accordance with principles of procedural fairness.

TAFE SA will maintain confidentiality when dealing with and reporting on all allegations of suspected harm or risk of harm, except as required by law.

## Roles and Responsibilities

Position	Responsibility
Chief Executive	<p>Accountable for ensuring that this Policy is reviewed at a minimum once every 5 years as required by the <i>Children and Young People (Safety) Act 2017</i>.</p> <p>Ensure that TAFE SA lodge a new child safe environments compliance statement with Department of Human Services each time this Policy is reviewed and updated.</p> <p>Demonstrate leadership and commitment to maintaining a safe, professional, and inclusive workplace.</p> <p>Ensure Direct reports are held accountable for implementation of this policy in their areas of control.</p>
Executive Director, People and Culture	<p>Owner of this Policy and Code of Conduct.</p> <p>Any breaches of the Child Safety Code of Conduct must be reported to the Executive Director, People and Culture.</p>
Executive Directors, Executive Dean / Directors / Faculty Deans	<p>Ensures that Business Unit Risk Assessment processes capture children, young and vulnerable people.</p> <p>Ensuring this policy is implemented within their areas of control.</p> <p>Reporting to CE any reports of suspected harm or risk of harm they become aware of as soon as is reasonably practicable after forming the suspicion.</p>
Director, Workforce Alignment	<p>Where there is reasonable suspicion that there is a risk to a student that may be associated with the conduct of a TAFE SA staff member, the Director, Workforce Alignment must be notified.</p>
Managers	<p>Ensure that their staff have access to this Policy, the TAFE SA Child Safe Code of Conduct, have undertaken the appropriate Mandated Notifier Training, and that staff are aware of their obligations.</p> <p>Ensuring this policy is implemented within their areas of control.</p> <p>Reporting up to their Director any reports of suspected harm or risk of harm to children they become aware of.</p>

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Mandated Notifiers	<p>All TAFE SA staff are mandated notifiers. A mandated notifier is required by law to notify the Department for Child Protection if they suspect on reasonable grounds that a child or young person is, or may be, at risk of harm. This obligation arises when a mandated notifier forms this suspicion in the course of their employment (whether paid or voluntary). A mandated notifier must make the notification as soon as is reasonably practicable after forming the suspicion.</p> <p>See the Department for Child Protection website for more information on mandated notifiers and their role.</p> <p>Reporting – CARL, SAPOL, Manager / supervisor.</p>
Staff	<p>Responsible for being aware of their obligations as mandated notifiers and acting accordingly, to this Policy and The TAFE SA Child Safe Code of Conduct; and completing the appropriate training.</p>
TAFE SA Students	<p>Responsible for being aware of their obligations under, and acting accordingly, to this Policy and The TAFE SA Child Safe Code of Conduct.</p> <p>Responsible for holding a valid Working with Children check if required by Placement Providers. Further information can be found in the <a href="#">TAFE SA Vocational Placement Coordinator Information Booklet</a>).</p>

**Definitions**

Term	Definition
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<b>Child or young person</b>	Under South Australian law a child means a person under 18 years of age. A cohort of this group aged 12 to 17 are referred to in legislation as young people.
<b>Harm</b>	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.
<b>Prescribed position</b>	All positions in TAFE SA have been deemed by the Chief Executive as prescribed positions for the purpose of requiring a Working with Children Check, under the <i>Child Safety (Prohibited Persons) Act 2016 (SA)</i> .
<b>Vulnerable person</b>	In addition to children and young people, vulnerable people are defined as people above the age of 18 years who may not be able to protect themselves against harm due to any; physical harm, age, illness, trauma or disability and other reasons.
<b>Working with Children Check</b>	<p>People working or volunteering with children in South Australia must, by law, have a valid, not prohibited Working with Children Check.</p> <p>A Working with Children Check is an assessment of whether a person poses an unacceptable risk to children, based on an assessment by the Screening Unit, which will look at criminal history, child protection information and other information.</p>

## Associated Documents and References

Document Number	Document/Reference Title
	<a href="#">Children and Young People (Safety) Act 2017</a>
	<a href="#">Notification of Active Situations Guidelines</a>
PPMF TAFESA 1040	<a href="#">Student Critical Incident Policy</a>

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PPMF TAFESA 1248	<a href="#">Crisis and Incident Management Policy</a>
PPMF TAFESA 1249	<a href="#">Crisis and Incident Management Procedure</a>
	<a href="#">Child Safety (Prohibited Persons) Act 2016</a>
	<a href="#">National Principles for Child Safe Organisations</a>
	<a href="#">Complaint Resolution Policy</a>
	<a href="#">Complaint Resolution Procedure</a>
	<a href="#">Internal Review Procedure</a>
PPMF TAFESA 1008	<a href="#">Working With Children Checks Policy</a>
PPMF TAFESA 1078	<a href="#">Sexual Assault and Sexual Harassment Policy</a>
PPMF TAFESA 147	<a href="#">Guidelines for Managing Allegations of Sexual Misconduct</a>
PPMF TAFESA 1094	<a href="#">Close Relationships Procedure</a>
PPMF TAFESA 1010	<a href="#">Respectful Behaviours Policy</a>
PPMF TAFESA 136	<a href="#">Student Conduct and Disciplinary Policy</a>
PPMF TAFESA 1040	<a href="#">Student Critical Incident Policy</a>
PPMF TAFESA 1032	<a href="#">Customer Resolution and Feedback Policy</a>
PPMF TAFESA 164	<a href="#">Customer Resolution and Feedback Procedure</a>
	<a href="#">TAFE SA Vocational Placement Coordinator Information Booklet</a>
PPMF TAFESA 140	<a href="#">TAFE SA Records Management Policy</a>
PPMF TAFESA 1093	<a href="#">TAFE SA Privacy Policy</a>
PPMF TAFESA 128	<a href="#">TAFE SA Accident and Incident Procedure.</a>
	<a href="#">Child Care Services Network Child Protection Policy</a>
	<a href="#">Child Care Services Network Grievance Policy</a>
	<a href="#">Child Care Services Network Mental Health and Wellbeing Policy</a>
	<a href="#">Education Standards Board of South Australia</a>

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	<a href="#">Professional Boundaries for Lecturers Guidelines</a>
	Investigation Management Procedure – (Still in DRAFT)
	Child Safe Code of Conduct – Appendix 1 of this Policy.

## Document Control

Approved by			
Policy Owner	Susan Frangakis	Title	A/Executive Director, People & Culture
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Responsible Unit		People and Culture	
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## Appendix 1: TAFE SA Child Safe Code of Conduct

TAFE SA is committed to providing safe physical and online environments where the protection and wellbeing of children and young people is achieved through the delivery of safe practices.

This Code applies to all members of the TAFE Community, including staff members, Board members, labour hire contractors, volunteers, hourly paid instructors, casuals, students, parents, and guardians.

Caring for children and young people brings additional responsibilities for those in the TAFE SA organisation. Everybody in the TAFE SA community is responsible for promoting and protecting the safety and wellbeing of children and young people by:

- Always abiding by TAFE SA's Safe Environments for Children and Vulnerable People Policy and taking all reasonable steps to ensure the safety and protection of children and young people.
- Treating everyone (including all staff, volunteers, students, children, young people, and parents), including those of different race, ethnicity, gender, gender identity, sexual orientation, age, social class, physical ability or attributes and religious beliefs with respect and honesty, and ensuring that equity is upheld.
- Being a positive and respectful role model to children and young people in all conduct with them.
- Setting clear boundaries of appropriate behaviour between adults and the children and young people in the organisation.
- Listening and responding appropriately to the views and concerns of children and young people.
- Being alert and responsive to dealing with bullying or harassing behaviours.
- Reporting any breaches of this Child Safety Code of Conduct to the Executive Director, People and Culture.
- Being alert to children and young people who are, or maybe at risk of harm, and reporting this promptly to the Child Abuse Report Line (13 14 78).
- Where an allegation of child abuse is made, ensure as quickly as possible that the child or young person involved is safe.
- Call the Police on 000 if you have any immediate concerns for a child or young person's safety. Call 131 444 if non-urgent Police assistance is required.
- Responding quickly, fairly and transparently to any complaints made by a child, young person or their parent/guardian.
- Respecting the privacy of children and young people and their families and only disclosing information in line with legislative obligations and TAFE SA reporting requirements.

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TAFE SA staff members (including labour hire contractors, volunteers, hourly paid instructors, and casuals), students, parents and guardians must **not**:

- Engage in any form of inappropriate behaviour towards children and young people or expose them to such behaviour including high-risk behaviours such as bullying or harassment.
- Express personal views on cultures, race, or sexuality in the presence of children or young people or discriminate against any child or young person because of age, gender, cultural background, religion, vulnerability, or sexuality.
- Engage in any form of sexual conduct with a child or young person, including making sexually suggestive comments and sharing sexually suggestive material.
- Engage in behaviour that has the potential to cause a child or young person serious emotional or psychological harm.
- Develop any 'special' relationships with children and young people that could be seen as favouritism, such as the offering of gifts or special treatment.
- Engage in undisclosed private meetings with a child or young person who is not your own child or young person.
- Engage in inappropriate personal communications with a child or young person through any medium, including any online contact or interactions.
- Take or publish (including online) photos, movies or recordings of a child or young person without documentation confirming parental/guardian consent.
- Post online any information about a child or young person that may identify them, such as their name, age, address, email address, telephone number, school etc.
- Ignore or disregard any suspected or disclosed child abuse, grooming or neglect.

Where it is suspected a staff member breaches this Code, the Notification of Active Situations guidelines should be followed. TAFE SA's Investigation Management Unit will then take appropriate action.

Where a student breaches this Code, in any event of serious misconduct, staff may be subject to restorative, adverse or disciplinary actions. This will be managed in line with the [Student Conduct and Disciplinary Policy](#).

Where any other member of the TAFE SA community breaches this Code, TAFE SA will take appropriate action. For example, the services of a volunteer may no longer be utilised by TAFE SA.

A breach of the Code of Conduct can be reported by children and young people in line with TAFE SA's [Customer Resolution and Feedback Policy](#) and [Procedure](#).

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## APPENDIX 2 – Notification of active Situations



TAFE SA's

# Notification of active situations

VERSION 2.0

05/07/2024

## 1. PURPOSE

TAFE SA is seeking to further strengthen responses to emergencies on campuses, bushfires and natural disasters, care of students and critical incidents, which for the purpose of this communication are referred to as **situations**.

Responses to **situations** are detailed in policies, procedures, plans and checklists. All are currently under review to ensure TAFE SA has a framework that demonstrates the connectedness of our policies, procedures, plans and checklists.

A critical part of the review is to consider the escalation of **situations** to ensure a consistent channel is used. Whilst the management of **situations** continues to follow existing procedures in TAFE SA documentation, an overarching escalation direction will be implemented until the review concludes and a new framework is introduced.

This direction is effective immediately.

Notification is extremely important in all cases as it allows the organisation to formulate responses to real or potential issues and ensure, where necessary all stakeholders are adequately informed.

The following is to be used in all **situations** to determine whether escalation is required.

## 2. INCIDENT CONTROL

All of the following situations require immediate escalation –

- All critical incidents, which have potential to significantly impact on the wellbeing and safety of TAFE SA students and staff, where they involve:
  - minors and/or school students
  - police reports
  - sexual assault and/or harassment
  - incidents involving serious injury
  - International students
- All reports made by TAFE SA staff, in accordance with the Children and Young People (Safety) Act 2017, where they suspect on reasonable grounds that a child or young person is, or may be, at risk, as set out in section 18 of the same Act. This includes where these reports relate to TAFE SA students, as well as minors accessing TAFE SA Child Care Services Network.
- All reportable cyber security incidents, as defined in DPC's Cyber Security Framework.
- A result in which TAFE SA suffers or is likely to suffer significant unforeseen financial loss, including fraud or mismanagement.
- An outcome in which TAFE SA suffers or is likely to suffer significant reputational damage

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- An incident, threat or failure which impacts on ongoing business and service delivery for TAFE SA, or
- A significant breach of legal, compliance, regulatory or contractual responsibility.
- Incidents that result in significant imminent risks to the delivery of major projects
- All reportable suspicions of serious or systemic misconduct and maladministration, as defined in the Ombudsman Act 1972.
- All incidences in which an Executive Director is made aware of an ICAC investigation, subject to the provisions of the ICAC Act 2012

All TAFE SA staff are requested to manage the immediate situation as per the applicable TAFE SA procedure.

In addition, all TAFE SA staff are required to notify (within 30 minutes) their line manager **and** Graham Rix, Executive Director, Finance and Performance (Interim) Facilities and ICT via phone on Microsoft Teams who will advise the Chief Executive and relevant staff and stakeholders.

If you are unable to contact the Executive Director, Finance and Performance (Interim) Facilities and ICT, you are to contact Gianna Giannopoulos - Director, Corporate Governance and Assurance.

The Chief Executive will determine, under recommendation, the required notification/communication of the TAFE SA Board, Ministerial office and/or other key stakeholders.

The Interim Executive Director, Strategy and Infrastructure will also monitor the management of the immediate situation as per the applicable TAFE SA procedure.

**3. ASSOCIATED DOCUMENTATION**

To refresh yourself with the policies, procedures, plans and checklists that guide our response to managing **situations** please click on the links below.

Documentation
<a href="#">Student Critical Incident Policy.docx</a>
<a href="#">TAFE SA Risk Management Policy and Framework.doc</a>
<a href="#">Work Health Safety and Injury Management Policy Statement.pdf</a>
<a href="#">Managing Registered Child Sex Offender Notifications Procedure.docx</a>
<a href="#">Work Health and Safety - Emergency Management Procedure.docx</a>
<a href="#">Work Health and Safety - Hazard Identification and Risk Management Procedure.docx</a>
<a href="#">Work Health and Safety – Incident and Accident Investigation, Reporting and Improvement Procedure.docx</a>
<a href="#">Work Health and Safety – Work Health, Safety and Injury Management System Development, Evaluation and Review Procedure.docx</a>
<a href="#">Ombudsman Act 1972   South Australian Legislation</a>
<a href="#">Independent Commission Against Corruption Act 2012   South Australian Legislation</a>