

<b>Policy Reference Number:</b>	1.27
<b>Classification:</b>	General
<b>First Issued/Approved:</b>	August 2011 (Res. 25/2012)
<b>Review Frequency:</b>	After the general election – every 4 years
<b>Last Reviewed:</b>	13 January 2015 (Res 269/2015) 15 January 2019 (Res 276/2019) 15 January 2020 (Res 200/2020)
<b>Next Review Date:</b>	December 2022
<b>Responsible Officer:</b>	Chief Executive Officer
<b>Applicable Legislation:</b>	<i>Local Government Act 1999</i> <i>Children's Protection Act 1993</i>
<b>Relevant Policies:</b>	
<b>Related Procedures:</b>	
<b>Compliance Standard:</b>	

### **Introduction**

Council is committed to the safety and wellbeing of children, young people and other vulnerable people who access our services. We support the rights of the child and vulnerable persons in the community and will act without hesitation to ensure a safe environment is maintained at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all children, young people and other vulnerable people.

In addition to children and young people, other vulnerable people could include the frail aged, people with a disability, and/ or people who experience disadvantage, for example, some Aboriginal Australians and newly arrived immigrants and/ or refugees.

In addition to the moral obligation, amendments to the Children's Protection Act 1993 (SA) which came into effect on 1 January 2007 places a legal obligation on Councils (and all other organisations providing a services wholly or partly to children) to ensure all children in their care are safe from harm. Requirements for criminal history checks for certain staff and volunteers working in the area of aged care also apply (as of 1 March 2007).

This policy aims to ensure the Council organisation and facilities are safe environment for children, young people and other vulnerable people and that they are protected from abuse and neglect. This policy also aims to ensure that all relevant Council managers, employees, volunteers, contractors and consultants are aware of their duty of care responsibilities for the protection, safety and wellbeing of children at all times.

### **Legal Obligations**

Section 8C(1) of the Children's Protection Act requires local government Councils to establish policies and procedures which take account of the Department for Families and Communities ('DFC') *Child Safe Environment Standards* to ensure:

- ⌘ Child safe environments are established and maintained within the organisation
- ⌘ Reports of suspected abuse or neglect are made under Part 4 of the Act.

Section 11(2) prescribes mandated notifiers as any Council employee or volunteer providing sporting or recreational services wholly or partly for children. Mandated notifiers must report any suspicion of abuse or neglect of a child to the DFC Child Abuse Report Line: telephone 24 hours a day, 7 days a week on 131 478.

Section 8B requires criminal history screening to be undertaken by non-government organisations prescribed by regulation of people occupying or acting in a prescribed position:

- ⌘ Before a person is appointed to, or engaged in a prescribed position; and/ or
- ⌘ At any time as the organisation thinks necessary or desirable for the purpose of establishing or maintaining child safe environments.

New arrangements were announced by the Australian Government Department of Health and Ageing for criminal history (police) checks for certain staff and volunteers working in the area of aged care which came into effect on 1 March 2007. These requirements apply to Australian Government subsidised aged care services, namely Community Aged Care Packages (CACP), Extended Aged Care at Home (EACH) Packages, and EACH – Dementia. Whilst these requirements do not apply to the provision of Home and Community Care services at the current time, it is expected that criminal history checks will be required in the future.

### Definitions

The Children's Protection Act 1993 (SA) states that **child abuse and neglect** (or harm) in relation to a child means:

- ⌘ Sexual abuse; or
- ⌘ Physical or emotional abuse, or neglect, to the extent that:
  - The child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's wellbeing; or
  - The child's physical and psychological development is in jeopardy.

**Child** means a person under the age of 18.

**Criminal history screening** involves obtaining information about relevant potential employees, volunteers, contractors or consultations on the basis that the information is deemed relevant to working in a child-related area. The information gathered may include details concerning previous employment and relevant experience; verification of qualifications and professional registration; criminal history information, reference checks and work history reports.

**Mandatory reporting obligation** means a mandated notifier (any person providing services solely or partly children) must report any suspicion of abuse or neglect of a child to the Department for Families and Communities Child Abuse Report Line.

**Prescribed position** is one that requires or involves prescribed functions as follows:

- ⌘ Regular contact with children or working in close proximity to children on a regular basis
  - ⌘ Close proximity means in reasonable unaided visual sight that is, physically being within eyeshot
  - Regular contact includes contact that may facilitate deliberate use of position and status to access and exploit children. This may include multiple instances of contact of limited duration (attendance at a weekly program) or fewer, extended and intense periods of contact which may be away from children's usual environment;
- ⌘ Supervision or management of above positions
- ⌘ Access to records relating to children.

A prescribed position may also include one that involves provision of aged care services, or services to other vulnerable people. Identifying prescribed positions will involve consideration of the nature of the service provided (proximity or intimacy), the frequency (incidental contact, regular and/ or ongoing contact), and the vulnerability of the child or other vulnerable person in the service provision context.

### **Application of the Policy and Responsibilities**

The policy will apply from the date of endorsement, to all employees, students on placement, work experience students, relevant volunteers, contractors and consultants providing services wholly or partly to children, or who work with children.

The Safe Environment Policy will be communicated to all relevant audiences to ensure awareness and understanding of Council's commitment to ensuring a safe environment. This will include Elected Members, staff, volunteers, contractors, consultants, parents, carers, and children where relevant.

**Council** is responsible for development of the "Safe Environment Policy" and in conjunction with the Chief Executive Officer:

- ̐ Promoting protection of children and other vulnerable people from abuse
- ̐ Responding promptly to advice received from the Chief Executive or other sources concerning significant changes to relevant legislation and regulations
- ̐ Regularly reviewing the effectiveness of the policy.

**Elected Members** have individual responsibility for appropriate behaviour towards children and other vulnerable people, and for compliance with the policy.

The **Chief Executive Officer** is accountable to Council and responsible as follows:

- ̐ Ensuring the policy is implemented, monitored, reported on and evaluated
- ̐ Identifying prescribed positions for criminal history screening
- ̐ Being aware of mandatory reporting requirements, procedures, and associated legal responsibilities
- ̐ Ensuring significant changes to relevant legislation are brought to the attention of Council in a timely manner.

**Managers and Supervisory (paid and voluntary)** are accountable to the Chief Executive Officer as follows:

- ̐ Recruitment and selection in accordance with Council's human resources policies and procedures and requirements for criminal history screening of existing employees and preferred applicants for prescribed positions
- ̐ Effective implementation of the policy, procedures and safe work place practices
- ̐ Being aware and promoting acceptable behaviour when dealing with children and other vulnerable people
- ̐ Providing appropriate induction and on-going training as required in relation to the Safe Environment Policy
- ̐ Establishing and maintaining supportive procedures for fulfilling mandatory notification requirements and ensure mandated notifiers understand their legal responsibilities
- ̐ Reporting any reasonable suspicion of child abuse of a child to the Child Abuse Report Line
- ̐ Supporting staff and responding to enquiries regarding suspicions of abuse or related issues, maintaining appropriate records and ensuring records are securely stored

- ⌘ Maintaining confidentiality and fully cooperating with the Department of Families and Communities, the South Australian Police and other relevant government agencies in their investigations of suspected abuse of a child or other vulnerable person
- ⌘ Report annually to the Chief Executive Officer on implementation, monitoring and review the Policy and relevant services, programs and workplace practices.

**Mandated Notifiers** have obligations under the *Children's Protection Act 1993 (SA)* to notify the SA Department of Families and Communities if they suspect, on reasonable grounds, that a child has been or is being abused or neglected and the suspicion is formed in the course of their work (paid or voluntary) in carrying out official duties.

Note: Whilst the obligation to report suspicions of abuse rests with mandated officers, they are encouraged to seek advice and support from their supervisor or manager, or Safe Environment Contact Officer in relation to suspicions of child abuse or neglect. This practice will ensure staff and volunteers are appropriately supported, records are kept confidentially and securely, and any organisation responsibilities in addition to the mandatory reporting obligation are pursued where relevant.

#### **Other Council staff, volunteers, contractors and consultants (non-mandated notifiers)**

All Council staff and volunteers, contractors and consultants providing services on behalf of Council have a role to play in providing a safe environment for children, young people and other vulnerable people, and for complying with the policy.

Council strongly encourages and will sensitively support any staff member, volunteer, contractor or consultant who, though not a "mandated notifier" as defined by the *Children's Protection Act 1993 (SA)*, suspects incidents of abuse or neglect of a child or other vulnerable person.

In these cases, incidents of abuse of a child or other vulnerable person are to be reported to the relevant program manager who will, in consultation with the Chief Executive Officer, determine the appropriate action to be taken and where appropriate report to the relevant Government authorities.

#### **Policy and Procedure Standards**

Council is committed to and had endorsed procedural standards which focus on ensuring the organisation and Council facilities are safe environments for children and vulnerable people. In particular, the following standards reflect the guidance provided by Department of Families and Communities on appropriate standards of conduct for adults in dealing with children.

#### Risk Management Strategy

Council will identify and assess potential sources of harm and take steps to decrease the likelihood that harm will occur to children, young people and other vulnerable people who use our services. Areas of risk assessment will include human resources, activities and programs, record keeping, physical spaces, and organisational culture.

#### Code of Conduct

All employees, volunteers, contractors and consultants will be required to comply with the code of conduct endorsed by Council which sets out standards of conduct when providing services to children.

#### Recruitment, Selection and Enhancing Performance

Council will take all reasonable steps to ensure that it engages the most suitable and appropriate people to work with, and provide services to, children and other vulnerable people. Applicants for prescribed positions will be screened for their suitability to provide services.

Screening may involve interview, referee reports, checking qualifications and previous employment history in working with children, and obtaining criminal history reports. If a criminal history report is obtained information will be dealt with in a manner that reflects the standards developed and issued by the DFC (guidelines).

Council will ensure that all staff and volunteers who work with children or who have access to their records have ongoing support and training to develop, enhance and maintain a child safe environment.

#### Involvement in Decision Making

Council will promote the involvement of children, young people and other vulnerable people in service development planning where relevant, and inform them of their rights and how to access grievance procedures where relevant.

#### Responding to Suspected Abuse and Neglect

Council will ensure that staff, volunteers, contractors and consultants providing services to and/or working with children are aware of and are trained, and appropriately supported to report any suspicion of abuse or neglect on reasonable ground.

#### **Associated Documents**

- ⌘ *Children's Protection Act 1993 (SA)*
- ⌘ SA Department for Families and Communities – Child Safe Environments: Principles of Good Practice
- ⌘ SA Department for Families and Communities – Child Safe Environments: Dealing with Criminal History Information
- ⌘ Approved Providers of Australian Government Subsidised Aged Care Services – Fact Sheet [www.health.gov.au](http://www.health.gov.au)
- ⌘ Any other relevant Council policy, procedures and code of conduct documents

#### **FURTHER INFORMATION**

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: [www.robe.sa.gov.au](http://www.robe.sa.gov.au)

Royal Circus, Robe SA 5276

Copies will be provided to interested parties upon request. Email [council@robe.sa.gov.au](mailto:council@robe.sa.gov.au)

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

#### **POLICY REVIEW**

This policy may be amended at any time and must be reviewed at least every four years since its adoption (or latest amendment).