

SAFE ENVIRONMENT FOR CHILDREN POLICY

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| Type | Governance |
| Category | Corporate & Community |
| Responsible Officer | Director Corporate & Community |
| First Issued / Adopted | April 2022 |
| Review Period | 4 years |
| Last Reviewed | 25 May 2022 |
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| Next Review Date | April 2026 |
| Applicable Legislation | TBC |
| Related Documents | <p>Children and Young People (Safety) Act 2017 (SA)</p> <p>Children and Young People (Safety) Regulations 2017 (SA)</p> <p>Child Safety (Prohibited Persons) Act 2016 (SA)</p> <p>Child Safety (Prohibited Persons) Regulations 2019 (SA)</p> <p>Code of Conduct for Council Members</p> <p>DHS Principles of Good Practice</p> <p>Employee Code of Conduct</p> |
| Public Consultation Required | No |
| File Reference | 9.63.1.4 |

1. PURPOSE

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 the moral obligation to address any harm to children, amendments to the *Children and Young People (Safety) Act 2017 (SA)* (the Safety Act) places a legal obligation on Councils (and all other organisations providing a service wholly or partly to children) to ensure all children are safe from harm.

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1. PURPOSE (Cont'd)

This policy aims to ensure the Council organisation and facilities are safe environments for children, young 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.

2. LEGAL OBLIGATIONS

- Child Safe Environments

Section 114(1) of the Safety Act requires Councils and subsidiaries to have in place policies and procedures for ensuring:

- Child safe environments for children and young people are established and maintained within the organisation; and
- Mandatory reporting obligations (as set out in Chapter 5, Part 1 of the Act) are complied with.

The policies and procedures must comply with the Principles of Good Practice issued by the Chief Executive of Department of Human Services as varied from time to time.

- *Mandatory Reporting*

Section 31(1) of the Safety Act prescribes mandated notifiers as any Council employee, contractor, volunteer or person undertaking educational or vocational training that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children and young people, being a person who:

- provides such services directly to children and young people; or
- holds 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; and

Mandated notifiers also include an officer or employee of a Council or subsidiary who holds a management position, the duties of which include direct responsibility for, or direct supervision of, the provision of services to children.

Mandated notifiers must report any suspicion of abuse or neglect of a child to the Child Abuse Report Line (telephone 24 hours a day, 7 days a week on 13 14 78) or online at <https://my.families.sa.gov.au/IDMProv/landing.html>

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3. DEFINITIONS

Child or young person means a person under the age of 18.

Harm includes physical and psychological harm caused by sexual, physical, mental or emotional abuse caused by neglect.

Prescribed position is a position in which a person works with children or a position in which it is reasonably foreseeable that the person will work with children, including people who:

- provide a service or undertake an activity that is child-related work in the course of their employment;
- carry on a business in which an employee works with children (whether or not the person works with children); or
- are employed to provide preschool, primary or secondary education to a child (whether or not the person is a registered teacher).

Prescribed positions may be held by employees, volunteers, contractors, persons undertaking educational / vocational training or elected members.

4. SCOPE

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

A schedule of roles and responsibilities is included as **Attachment 1**.

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 Council Members, staff, volunteers, contractors, consultants, parents, carers and children where relevant.

5. POLICY

Council is committed to ensuring the organisation and Council facilities are safe environments for children and vulnerable people.

In particular, the following standards reflect the guidance provided by DHS on appropriate standards of conduct for adults in dealing with children.

5.1 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.

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5. POLICY (Cont'd)

5.2 Codes of Conduct

All employees, volunteers, contractors, elected members 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.

The code of conduct is supported by Council's grievance procedure to address breaches of the code of conduct. For more information about these procedures, contact the Council's Director Corporate and Community Services 08 8633 9722.

5.3 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 young people.

Applicants for prescribed positions will be screened for their suitability to provide services. Screening will involve WWCC checks, interviews, referee reports, checking qualifications and previous employment history in working with children.

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

5.4 Involvement in decision-making

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

5.5 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 grounds.

6. POLICY REVIEW

The Safe Environment Policy will be reviewed at a minimum at least every 5 years to ensure compliance with the DHS Principles of Good Practice and effective maintenance of a safe environment.

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Attachment 1: Roles and Responsibilities

Council is responsible for development of the “Safe Environment Policy” and in conjunction with the Chief Executive Officer and/or his or her delegates (where appropriate):

- promoting protection of children and young people from harm;
- responding promptly to advice received from the Chief Executive Officer or other sources concerning significant changes to relevant legislation and regulations; and
- regularly reviewing the effectiveness of the policy.

Council Members have individual responsibility for appropriate behaviour towards children and young 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.
- 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 supervisors (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 working with children.
- Effective implementation of the policy, procedures and safe workplace practices.
- Being aware and promoting acceptable behaviour when dealing with children and young 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 harm they have of a child to the Child Abuse Report Line (note: it is the mandated notifier's responsibility to report their suspicion, not their supervisor's or manager's).
- 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 DCP, the South Australian Police and other relevant government agencies in their investigations of suspected abuse of a child or other vulnerable person if required.
- Report annually to the Chief Executive Officer on implementation, monitoring and review of the Policy and relevant services, programs, and workplace practices.

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Mandated Notifiers have obligations under the Safety Act to notify the DCP if they suspect, on reasonable grounds, that a child is or may be at risk of harm and the suspicion is formed in the course of their work (paid or voluntary) or 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 and 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, 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, though not a “mandated notifier” as defined by the Safety Act, to report any suspicion they have of incidents of harm of a child or young person.

In these cases, incidents of harm of a child or young 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.

Third Party Responsibility

- Contractors/Consultations
- Licensees
- Lease of Council premises/facilities
- Hire of Council facility - conditions/agreements

It is recommended that Councils include a clause in contracts of engagement, leases and relevant hire agreements, stipulating the requirement for compliance with Council's Safe Environment Policy. This applies to all contractors including organisations, sole traders and partnerships.

Councils should:

- disclose the policy;
- attach a copy of the policy to the contract, lease or hire agreement, or provide access to an electronic version of the policy;
- reserve within the clause a right to update the policy;
- insert within the clause an obligation to comply with the policy; and
- insert within the clause an obligation to notify Council of instances of non-compliance with the policy if the third party meets the “prescribed position” test.

It is suggested that Councils seek legal advice in relation to any specific third party arrangements where relevant.

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