

 Adelaide Plains Council	<i>Safe Environment for Children Policy</i>	
	Version Adoption by Council: 27 January 2021 Resolution Number: 2021/015 Current Version: D18/12897	
	Administered by: General Manager Development and Community	Last Review Date: 2019 Next Review Date: 2023
Document No: 21/2402	Strategic Outcome 4.1.1.3 Support community safety	

1. Objective

1.1. Background

- 1.1.1 Council is committed to the safety and wellbeing of children, young people and other vulnerable people who access our services.
- 1.1.2 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.
- 1.1.3 We also support the right 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.

1.2. Purpose

- 1.2.1 In addition to the moral obligations 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 that all children are safe from harm.
- 1.2.2 This policy aims to ensure the Council organisations and facilities are safe environments for children, young people and that they are protected from abuse and neglect.

2. Scope

This Policy applies to all relevant Council managers, employees, volunteers, contractors and consultants to ensure that they are aware of their duty of care responsibilities for the protection, safety and wellbeing of children at all times.

3. Definitions

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

Council means Adelaide Plains Council.

DCP is Department of Child Protection.

Employee is all full time, part time and casual employees employed by Council.

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

Mandatory reporting obligation is the legislated requirement to report specific suspicions or incidents of abuse or neglect on vulnerable person.

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).

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

Safe Environment Contact Officer is the Manager Library and Community.

Volunteer is a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses); (as defined in the *Work Health Safety Act 2012*).

Vulnerable people refers to those who may be at risk of abuse or exploitation due to their dependency on others or experiences of disadvantage, and could include people with a disability, the frail aged, people from culturally and linguistically diverse backgrounds, refugees and those living in poverty.

4. Legal Obligations

4.1 Child Safe Environments

4.1.1 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.

4.1.2 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.

4.2 Mandatory Reporting

4.2.1 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.

4.2.2 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.

4.2.3 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>

5. Application of the Policy

- 5.1 This 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.
- 5.1 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.
- 5.2 A schedule of roles and responsibilities is included in Attachment 1

6. Policy Statement

6.1 Policy

- 6.1.1 Council is committed to ensuring the organisation and Council facilities are safe environments for children and vulnerable people.
- 6.1.2 In particular, the following standards reflect the guidance provided by DHS on appropriate standards of conduct for adults in dealing with children.

6.2 Risk Management Strategy

- 6.2.1 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.
- 6.2.2 Areas of risk assessment will include human resources, activities and programs, record keeping, physical spaces, and organisational culture.

6.3 Codes of Conduct

- 6.3.1 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.
- 6.3.2 The Code of Conduct is supported by Council's grievance procedure to address breaches of the Code of Conduct.
- 6.3.3 For more information about these procedures, contact the Council's Safe Environment Contact Officer.

6.4 Recruitment, Selection and Enhancing Prevenance

- 6.4.1 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.
- 6.4.2 Applications 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.
- 6.4.3 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.

6.5 Involvement in Decision Making

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

6.6 Responding to Suspected Abuse and Neglect

- 6.6.1 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 or reasonable grounds.

7. Related Documents

Assessing and Handling Working with Children and Criminal History Information Policy

Code of Conduct for Council Employees

Code of Conduct for Council Members

Code of Conduct for Volunteers

Volunteer Management Policy

Working with Children Code of Conduct

8. Records Management

All documents relating to this Policy will be registered in Council's Record Management System and remain confidential where identified.

9. Document Review

This Policy will be reviewed every two years to ensure legislative compliance with the DHS Principles of Good Practice and effective maintenance of a safe environment as well as that it continues to meet the requirements of Council and its activities and programs.

References

Local Government Act 1999 (SA)

Child Safety (Prohibited Persons) Act 2016 (SA)

Child Safety (Prohibited Persons) Regulations 2019 (SA)

Children and Young People (Safety) Act 2017 (SA)

Children and Young People (Safety) Regulations 2017 (SA)

DHS Principles of Good Practice

10. Further Information

Members of the public may inspect this Policy free of charge on Council's website at or at Council's Principal Office at:

2a Wasleys Road, Mallala SA 5502

A copy of this Policy may be obtained on payment of a fee.

Any queries in relation to this Policy must be made in writing to info@apc.sa.gov.au to the Attention of General Manager Development and Community.

Appendix A Roles and Responsibilities

Council is responsible for the development of the “Safe Environment for Children Policy” and in conjunction with the Chief Executive Office and/or his 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;
- 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.

General Managers, Managers and Team Leaders (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 Policy;
- establishing and maintaining supportive procedures for fulfilling mandatory notification requirements and ensure mandated officers understands their legal responsibilities;
- reporting any responsible 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 manger’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.

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.

(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 this 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 or incidents of harm of a child or young person.

In these cases, incidents of harm to 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/consultants
- licensees
- lease of Council premises/facilities
- hire of Council facility-conditions/agreements

Council needs to 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.

Council 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; 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.