

POLICY

Policy Name	Safe Environment Policy
Policy Category	Statutory
Department / Officer	Community and Development / Manager Community Wellbeing
Date Adopted	25 August 2014
Date/s Reviewed	26 October 2020, 27 September 2021
Review Frequency	Every Three Years
Strategic Plan Reference	Aspiration 6– We are a financially sustainable and well-governed organisation
Attachments	Attachment A – Acceptable and Unacceptable Behaviours Attachment B – Recruitment, Selection and Enhancing Performance Attachment C – Mandated Notifiers and Training Requirements Attachment D – Prescribed Positions and Mandatory Notifiers

1. Purpose

The purpose of this policy is to ensure protective practices for children, young people (under 18 years of age) and vulnerable people are implemented by the City of Victor Harbor to keep them safe from deliberate or inadvertent risk of harm and provide them with an understanding of such protective practices.

2. Scope

This Policy provides all City of Victor Harbor personnel with an understanding of their responsibilities to keep children, young people safe and vulnerable people, while fostering a culture of openness and respect of cultural diversity, recognising all children have a right to be safe from harm regardless of age, culture, religion, gender, sexuality, identity or disability. The Policy also sets out the responsibilities of Council, the Chief Executive Officer, Directors and Managers, Mandated Notifiers, Council employees, volunteers, contractors and consultants (non-mandated notifiers).

3. Policy Statement (Summary)

The City of Victor Harbor is committed to the safety and wellbeing of all children, young people and vulnerable people who access our services. Council will support:

- the rights of the children, young people and vulnerable people in the community and, will act without hesitation to ensure a safe environment is maintained at all times; and

- the rights and wellbeing of our employees and volunteers and encourage their active participation in building and maintaining a secure environment for all children, young people and vulnerable people.

4. Legislation and Compliance

Child Safe Environments

The *Children and Young People (Safety) Act 2017* outlines the responsibilities for local government (and all other organisations providing a service wholly or partly to children) to ensure all children in their care are safe from harm.

In creating a child safe environment, Council must observe the provisions set out in Section 114-115 of the *Children and Young People (Safety) Act 2017*, in that appropriate policies and procedures are developed to ensure that safe environments for children and young people are established and maintained, and that appropriate reports of harm and risk of harm are made by mandated notifiers.

Policies and procedures must comply with Principals of Good Practice issued by the Chief Executive Of Department of Human services as varied from time to time.

Mandatory Reporting

Section 30(3)(h) of the *Children and Young People (Safety) Act 2017* 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;

Mandated notifiers must report any suspicion of harm or at risk of harm 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>

Section 17, 18 and 19 of the *Child Safety (Prohibited Persons) Act 2016*, outlines the steps Council obligations for employee people to a prescribed position.

Council must lodge a Child Safe Environments Compliance Statement with the Department for Child Protection. This is a one-off requirement however if a Council is still working towards meeting the requirements of the Statement, then it must lodge a further statement when all requirements are met.

The Australian Government Department of Health and Ageing also require criminal history (police) checks for certain employees and volunteers working in the areas of aged care. This is relevant to certain Home and Community Care services.

5. Definitions

For the purposes of this policy, many of the definitions are from the *Children and Young People (Safety) Act 2017*

CEO means the Chief Executive Officer of the Council

Child or Young Person means a person who is under 18 years of age.

Harm means physical, sexual, emotional or psychological harm

Mandated Notifier is defined under Section 30 of the Children and Young People (Safety) Act 2017 (the Act) and by virtual of Section 114 of the Act, an officer or employee of a prescribed organisation, who holds a management position in the organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services to children are mandated Notifiers

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

Risk is defined under Section 18 of the *Children and Young People (Safety) Act 2017*

Risk of Harm is the likelihood of inflicting harm (either directly or as a consequence of other actions) and the severity of that harm.

Vulnerable People means those who may be at risk of harm or exploitation due to their dependence upon others or experiences of disadvantage, and could include people with a disability, the frail aged, people from culturally and linguistically diverse background, refugees and those living in poverty.

6. Role and Responsibilities

6.1 Council

The Council is responsible for the development of this policy and in conjunction with the CEO:

- promoting the protection of children, young people and vulnerable people from harm or risk of harm;
- responding promptly to advice received from the CEO 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, young people and vulnerable people, and for compliance with the policy.

6.2 Chief Executive Officer is accountable to Council and responsible for:

- 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.

6.3 Directors and Managers are accountable to the Chief Executive Officer as follows:

- Recruitment and selection (as set out in Attachment B) including requirements for criminal history screening for existing employees and preferred applicants for prescribed positions.
- Effective implementation of the Policy and safe work place practices.
- Being aware and promoting acceptable behaviour when dealing with children, young people and vulnerable people.
- Providing appropriate induction and on-going training as required in relation to this 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 or risk of harm of a child to the Department for Child Protection Report Line.
- Supporting employees 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 for Child Protection, SA Police and other relevant government agencies in their investigations of suspected harm or risk of harm of a child, young person or vulnerable people.
- Report annually to the Chief Executive Officer on implementation, monitoring and evaluation of the Policy and relevant services, programs and workplace practices.

6.4 Mandated Notifiers have obligations under Section 31 (4) of the *Children and Young People (Safety) Act 2017* to report suspicion that a child or young person may be at harm or at risk of harm.

Note: Whilst the obligation to report suspicions of harm or risk of harm rests with mandated officers, they are encouraged to seek advice and support from their Director and Manager or Safe Environment Contact Officer in relation to suspicions of harm or risk of harm. This practice will ensure employees are appropriately supported, records are kept confidentially and securely, and any organisational responsibilities in addition to the mandatory reporting obligation are pursued where relevant, under the framework of the Information Sharing Guidelines (ISG) of South Australia

- 6.5 Council employees, volunteers, contractors and consultants (non-mandated notifiers)** have a role in providing a safe environment for children, young people and other vulnerable people, and for complying with the Policy. Council encourages and will sensitively support any employee, volunteer, contractor or consultant who, though not a 'mandated notifier' as defined by the *Children and Young People (Safety) Act 2017*, suspects incidents of harm or risk of harm to a child, young people or 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. Employees, volunteers, contractors and consultants (non-mandated notifiers) within a prescribed position are required to follow the South Australian Government's Information Sharing Guidelines. Allegations or complaints will be managed in accordance with Council's Complaints Handling Policy and Complaint Handling Procedure.
- 6.6 Third Party Responsibility – Contractors/Consultants, Licensees, Lease of Council Premises/Facilities, Hire of Council Facilities – Conditions/Agreements** Where appropriate a clause shall be included in contracts of engagement, leases and relevant hire agreements, stipulating the requirement for compliance with this Policy.
- 6.7 Safe Environment Contact Officer** is responsible for providing support and assistance to employees with mandatory reporting responsibilities and being a point of contact for employees in general regarding any matters relating to harm or risk of harm of children or vulnerable people.

7. Policy Content

7.1 Acceptable and unacceptable behaviours

Council Members, employees, volunteers, contractors and consultants providing services on behalf of Council and those who access Council services have individual responsibility for appropriate behaviour towards children, young people and vulnerable people, and for compliance with this policy. Examples of acceptable and unacceptable behaviours are outlined in Attachment A.

Council's Code of Conduct for Employees also sets out the conduct expected of all employees, volunteers, contractors and consultants. Council's Privacy Policy sets out expectations in relation to the collection, storage, disclosure and use of personal information. It is expected that all Council policies will be observed.

Questions of compliance raised by Council Members, employees or the community regarding this policy will be considered by the relevant Director or the Chief Executive Officer.

7.2 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, young people and vulnerable people.

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

The assessment of criminal history screenings will be in a manner that reflects the standards developed and issued by the Department of Human Services and will be based on principles of natural justice and procedural fairness, and will be documented and consistently applied. The privacy of people will be strictly protected, and sensitive and personal information will be protected from inappropriate disclosure. Recruitment, Selection and Enhancing performance is outlined in Attachment B.

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

Employees and volunteers who are mandated notifiers will be provided with opportunities to attend training sessions about their mandatory notification obligations. Refresher training will also be conducted after a period of 3 years. Mandated Notifiers and Training Requirements are outlined in Attachment C.

7.3. Responding to Suspected Harm or Risk of Harm

Employees that provide services directly to, or supervise employees that provide services to children, have obligations under the *Children and Young People (Safety) Act 2017* to notify the Child Abuse Report Line on 12 14 78, if they suspect, on reasonable grounds, that a child is at harm or risk of harm and the suspicion is formed in the course of their employment (paid or voluntary).

If employees or volunteers suspect, on reasonable grounds, that a vulnerable person is at harm or risk of harm, they are to notify the South Australian Police on 131 444.

7.4 Safe Environment Contact Officer

A Safe Environment Contact Officer will be appointed to assist Council Employees dealing with mandatory notification responsibilities.

The Safe Environment Contact Officer will be the Manager Community Wellbeing or delegate.

7.5 Training and Support

The Department of Human Services require all mandated notifiers to be aware of their responsibilities under the Act and to be able to identify and respond to children at harm or risk of harm.

7.6 Records

Records will be managed, retained and disposed in accordance with:

- Council's Record Management Policy,

- Elected Members Records Management Policy,
- the Local Councils and Local Governing Bodies and Authorities in South Australia General Disposal Schedule 40 version 1; and
- Records of Relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse General Disposal Schedule 32, version 2.

8. Risk Management

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 Council services. Areas of risk assessment will include resources, activities and programs, record keeping, physical spaces and organisational culture.

In accordance with Council's Risk Management Policy employees are required to assess risks associated with their roles and the tasks they are undertaking. In the circumstances to which this policy relates, the risk assessment is to:

- Identify all elements that support child safe environments, young people and vulnerable people across Council's delivery spectrum;
- Consider what processes Council has in place to ensure risks are effectively assessed; and
- Identify the circumstances in which the principles of this policy might fail and create corresponding controls to mitigate or minimise impacts.

9. Implementation/Delegations

The Chief Executive Officer has the authority to implement this policy.

10. Related Documents

Council's Complaints Handling Policy and Procedure
Code of Conduct for Employees
Child Safe Environment – Framework for Local Government in SA
Elected Members Records Management Policy
Information Sharing Guidelines – South Australia
Privacy Policy
Records Management Policy
Volunteer Policy and Volunteer Induction Booklet

11. Availability of Policy

This policy is available on Council's website at www.victor.sa.gov.au. It may also be inspected or purchased at the Principal Office of the Council at 1 Bay Road, Victor Harbor.

Responsibilities of Staff, Volunteers, Contractors and Consultants and Unacceptable Behaviours

Employees, volunteers, contractors and consultants providing services on behalf of Council, and those who access Council services must at all times:

- Treat children, young people and other vulnerable people with respect, equity and dignity.
- Ensure children, young people and other vulnerable people are protected from any form of harm or discrimination.
- Ensure the environment is safe for children, young people and other vulnerable people – this includes protection from violence, bullying, teasing, threatening and sexist or racist remarks.
- Role model positive behaviours.
- Give constructive feedback to children and young people.
- Ensure children and young people are aware of their rights, including their rights to respect, fairness and safety.
- Adopt safe and protective work practices.
- 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.
- Raise any concerns or issues with Council's Safe Environment Contact Officer.
- Record and act on complaints of harm and risk of harm.

Council Members have individual responsibility for appropriate behaviour towards children and other vulnerable people, and for compliance with this Policy.

Unacceptable Behaviours include the following:

- Any form of discrimination against a child or young person on the basis of ethnicity, culture, religion, gender, sexuality or on any other grounds.
- Hitting or physically assaulting a child or young person.
- Using language that is offensive, abusive or otherwise inappropriate.
- Showing preferential treatment to one child or young person over others.
- Shout, yell or speak in an angry, intimidating or threatening manner.
- Engaging in rough physical play with children or young people.
- Unnecessary physical contact with children or young people.
- Condone or participate in illegal or unsafe behaviours when working with children or young people.
- Make inappropriate self-disclosures relating to any participation (past or present) in illegal or unsafe behaviours e.g. past drug use should not be disclosed to, or discussed with children or young people.
- Initiating or engaging in 'friendship' relationships with a child or young person e.g. not to make arrangements to socialise outside the work environment.
- Taking children or young people to your home or on outings that do not fall within professional duties or that have not been authorised by parents or guardians.
- Acting in a manner that is sexually inappropriate – this includes verbal, physical and implied behaviours.
- Initiating or developing a physical/sexual 'relationship' with a child or young person.

- Initiating or developing any relationship that could be deemed as exploitative or abusive with a child or young person including through the use of social media or the internet.
- Failure to report disclosures of harm or risk of harm to the relevant Director or Chief Executive Officer or the Child Abuse Report Line (13 14 78) at the earliest opportunity.

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 young people and other vulnerable people.

Criminal History Assessments

Applicants for prescribed positions will be screened for their suitability to provide services. Screening will involve criminal history screening, interviews, referee reports, checking qualifications and previous employment history in working with children. The assessment of criminal history screenings will be in a manner that reflects the standards developed and issued by the Department for Human Services at <https://screening.sa.gov.au/about-checks/legislation/working-with-children-check-guideline> and will be based on principles of natural justice and procedural fairness, documented and consistently applied. The privacy of people will be strictly protected, and sensitive and personal information will be protected from inappropriate disclosure.

The *Children and Young People (Safety) Act 2017* provides for some exemptions from the requirement to undergo a criminal history assessment:

- A volunteer who is less than 14 years of age
- A volunteer for a service or activity in which their child ordinarily participates
- A person who believes on reasonable grounds that they will not work with children on more than seven days (whether consecutive or not) in a calendar year.

Council's procedure will include:

- Obtaining informed written consent before obtaining a criminal history report.
- Advertisements for prescribed positions stating that appointment is subject to criminal history report being obtained and satisfactory screening result.
- Using a 100 point check to establish the true identity of applicants.
- Ensuring procedural fairness and what records will be maintained.
- Communicating the Policy and procedures to all employees and volunteers.
- Obtaining a criminal history report prior to appointment.
- Updating criminal history reports at least every three years.
- Encouraging individuals to notify of a change in criminal history status.

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

Mandated Notifiers and Training Requirements

Mandated notifiers are employees or volunteers who provide services wholly or partly for children. Supervisors and/or managers who have direct responsibility for the supervision of the provision of those services are also mandated notifiers. The following points provide further guidance¹:

- Parks and garden staff, dog and parking inspectors, and maintenance staff, do not provide services to children. They come into contact with children from time to time in carrying out their duties, but are not mandated notifiers.
- Children are amongst the recipients of certain council services, for example libraries, recreation centres, swimming pools, community centres, information services and some community development programs. Employees and volunteers in these roles are mandated notifiers because they provide services partly to children.
- Employees and volunteers in roles that provide services wholly to children, such as immunization services, child care services, children's library programs, education programs for children, and Youth Advisory Committees are mandated notifiers.
- Supervisors and/or managers who direct responsibility for the supervision of those employees and volunteers who provide services partly or wholly to children are also mandated notifiers.

Department for Child Protection, Department of Human Services standards require that all mandated notifiers are aware of their responsibilities under the *Children and Young (People) Act 2017* and are able to identify and respond to children at risk of harm. Department for Child Protection Standards encourage organisations to make mandatory notification training available, however training is not a mandatory requirement.

Department for Child Protection Standards suggest that it is good practice to undertake refresher training every three years after the initial training and every three years thereafter however this not a requirement under the standards.

The following schedule provides guidance to assist Council to determine the appropriate level of training for mandated notifiers²:

- Employees and volunteers providing services wholly to children – One day program
- Employees and volunteers providing services partly to children, and who may have regular and ongoing contact, and where there is the possibility of establishing a relationship with a child – One day program
- Direct managers/Directors of the above employees and volunteers – One day program
- Employees and volunteers providing services partly to children, incidental to the overall service provision – 2 ½ hours orientation session
- Direct managers or Directors of the above staff and volunteers - 2 ½ hours orientation session.

¹ Child Safe Environments Guidelines – A Framework for Local Government in SA, 2010 – page 27

² Child Safe Environments Guidelines – A Framework for Local Government in SA, 2010 – page 28

Prescribed Positions and Mandated Notifiers

Mandate Notifiers

Mandated notifiers are persons (paid or unpaid) who:

- Provide **services wholly or partly** to children, or
- Who have **direct responsibility** for, or direct supervision of services to children

Section 11(2) of the *Children and Young People (Safety) Act 2017* requires that mandated notifiers must report any suspicion on reasonable grounds that a child has been or is being harmed or at risk of harm. Council's Safe Environment Policy requires that mandated notifiers undergo a criminal history assessment and obtain training in mandatory reporting to ensure that they are able to meet their mandatory reporting obligations. After the initial training, mandated notifiers should undertake refresher training every three years. Criminal history screenings should be updated at least every five years.

The following positions are identified as being mandated notifiers

- Manager Community Wellbeing
- Fleurieu Families Team Leader
- Family Support Worker
- Fleurieu Families volunteers
- Manager Library and Customer Service
- Team Leader Library Customer Experience
- Library Officer(s)
- Library Officer Community Learning
- Library volunteers involved in children's activities
- Manager City Activation and Planning
- Business Operations Co-Ordinator – Visitor Services
- Youth Officer
- Any person acting in one of the above positions

Prescribed Positions *(That are not also Mandated Notifiers)*

Prescribed position is a position (paid or unpaid) undertaken by a person that involves or requires:

- **Regular contact** with vulnerable people or working in **close proximity** to vulnerable people on a regular basis where that contact is **not directly supervised** at all times, or
- **Supervision or management** of above positions, or
- **Access to records** relating to children (including records relating to child protection services, health services, education services, disability services and court order and proceedings).

Section 8B of the *Children and Young People (Safety) Act 2017* requires that a criminal history screening be undertaken for any person in a prescribed position. The Australian Department of Health and Ageing and the South Australian Department of Human Services also specify requirements for funded agencies to ensure criminal history screenings for employees and volunteers working in the areas of aged care.

People in prescribed positions, and any one acting in these positions, require a criminal history screening. Criminal history screenings should be updated at least every five years.

The following positions are identified as being prescribed positions

- Caring Neighbourhood Program Coordinator
- Caring Neighbourhood Assistant Coordinator
- Caring Neighbourhood Program Volunteers
- Southern Communities Transport Scheme Coordinator
- Southern Communities Transport Scheme Assistant Coordinator
- Southern Communities Transport Scheme Program Support Officer
- Southern Communities Transport Scheme volunteers
- Youth Advisory Committee Members over the age of 14

- Employees within the Caring Neighborhood Program and Southern Communities Transport Scheme are provided with security levels that enable them to access the individual confidential client files associated within their area.

- Any person acting in one of the above positions