



Children and Vulnerable People Safe Environment Policy

Policy Number	C3
Responsible Department(s)	Community & Growth
Policy Adopted	December 2015
Last revised date	August 2022
Minutes reference	2022/08-16
Next review date	August 2027
Applicable Legislation	<i>Children and Young People (Safety) Act 2017; Office for the Ageing (Adult Safeguarding) Amendment Act 2018; Child Safety (Prohibited Persons) Act 2016; Equal Opportunity Act 1984.</i>
Related Policies	Code of Conduct for Council Employees
Related Procedures	Child Safe Environment Guidelines

1. POLICY PRINCIPLE

Wakefield Regional Council is committed to the safety and wellbeing of children, young persons and vulnerable people who access Council services, programs and/or facilities. We support the rights of children 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 vulnerable people.

The *Children and Vulnerable People Safe Environment Policy* ("Safe Environment Policy") provides a framework for how Council will safeguard children and vulnerable people within its services and facilities by embedding appropriate policies, behaviours and practices.

2. POLICY SCOPE

Supporting and promoting a safe environment for children and vulnerable people who access Council services, programs and facilities, including but not limited to:

- Library programs and events;
- School holiday programs, events and activities;
- Wakefield Regional Council workshops and events;
- Recreational programs and activities, parks, playgrounds and skate parks;
- Swimming Centre programs, services and events;
- Youth Groups, services, events and programs;
- Home Assist and Community Transport Care programs;
- Services and programs for aged people and persons with disability;
- Licensing, leasing and hiring arrangements.

3. LEGAL OBLIGATIONS

The *Children and Young People (Safety) Act 2017* ("the Act") places a legal obligation on Council to ensure all children are safe from harm.

3.1 Child Safe Environments:

Section 114(1) of the Act requires Councils and subsidiaries to have policies and procedures in place to ensure child safe environments are established and maintained within the organisation and mandatory reporting obligations are complied with.

3.2 Mandatory Reporting:

Section 31 of the Act prescribes mandated notifiers as an employee, or volunteer in, an organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children or young people, being a person who:

- Provides such services directly to children or 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 or young people.

Mandated notifiers must report any suspicion of harm, or 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 (E-CARL) at <https://www.childprotection.sa.gov.au/>.

4. DEFINITIONS

Adult Safeguarding Unit (ASU): a unit located in Office for Ageing Well and has a strong focus on safeguarding the rights of adults at risk of abuse. The ASU responds to concerns of abuse of vulnerable adults aged 65 years and over and Aboriginal or Torres Strait Islander People aged 50 years and over.

At risk: a child or young person is taken to be at risk if the child or young person has suffered harm or there is a likelihood that the child or young person will suffer harm.¹

Child: a person who is under 18 years of age.

Harm (For Children): physical harm or psychological harm (whether caused by an act or omission), and includes harm caused by sexual, physical, mental or emotional abuse or neglect.²

"Psychological harm" does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life.

Harm (For Vulnerable Adults): physical, sexual, emotional or psychological abuse of a vulnerable adult, and includes but is not limited to financial abuse, neglect, exploitation, denial (without reasonable excuse) of the basic rights, or any other act or omission of a kind declared by the regulations.³

Vulnerable People: an adult person who, by reason of age, ill health, disability, social isolation, dependence on others or other disadvantage, is vulnerable to abuse.⁴

Working with Children Check (WWCC): the DHS Screening Unit assesses information relating to a person against the prescribed risk assessment criteria to determine whether or not the person poses an unacceptable risk to children.⁵

¹ *Children and Young People (Safety) Act 2017* (SA) s 18.

² *Children and Young People (Safety) Act 2017* (SA) s 17.

³ *Office for the Ageing (Adult Safeguarding) Amendment Act 2018* (SA) s 4 (abuse).

⁴ *Office for the Ageing (Adult Safeguarding) Amendment Act 2018* (SA) s 3 (vulnerable adult).

⁵ *Child Safety (Prohibited Persons) Act 2016* (SA) s 5.

5. APPLICATION OF THE POLICY

The Safe Environment Policy will apply 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.

The 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.

6. POLICY DETAIL

6.1. Principles of Care

- 6.1.1 Council will ensure the fundamental rights of children and vulnerable people are respected and safeguarded. This will be achieved through establishing and promoting an organisational wide commitment to maintaining a safe environment where a safeguarding culture is embraced and embedded in appropriate principles, behaviours and activities that are safe for all children and vulnerable people.
- 6.1.2 Council aims to ensure through appropriate and relevant training, that workers are aware of their duty of care responsibilities and obligations for the safety and wellbeing of children and vulnerable people while they use or receive Council services and participate in Council programs or activities.
- 6.1.3 Council has established clear procedures for children and vulnerable people who might be at risk of harm. Council is committed to ensuring that these procedures comply with legislation and best practice standards, by regularly reviewing relevant policies and processes, and ensuring that they are easily accessible to workers and community members using or receiving services and participating in Council programs or activities.

6.2 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 vulnerable people who use our services. Areas of risk assessment will include human resources, activities and programs, record keeping, physical spaces, and organisational culture.

6.3 Promoting a Safe Environment for Children and Vulnerable People

6.3.1 Supportive behaviours

All council members, employees or volunteers must at all times:

- Treat children and vulnerable people with respect, equity and dignity.
- Respond appropriately to the needs of people from diverse cultural groups to ensure cultural factors do not disadvantage children and vulnerable people.
- Ensure children and vulnerable people are aware of their rights, including their right to respect, fairness and safety.
- Actively communicate, listen and act upon any concerns that a child, vulnerable person or their family and/or caregivers raise with us.
- Aim to ensure children and vulnerable people are protected from harm, risk of harm, abuse or discrimination while they access Council services, facilities and programs.
- Take appropriate action when responding to a child or vulnerable person who is being harmed or is suspected to be at risk of harm.

6.3.2 Empowerment and Participation

Council encourages and respects the views of children and vulnerable people who access our services. Council ensures that children and young people in our region can contribute to decision making through surveys and events to enable Council to act upon any feedback that children, vulnerable people and their families and/or caregivers raise with us. Children, vulnerable people and their families and/or caregivers can access the Safe Environment Policy and Guidelines and provide any feedback and/or complaints through Council website at www.wrc.sa.gov.au

6.3.3 Children's Safety Officer

A Children's Safety Officer is appointed to act as the first point of contact to provide advice and support to children, parents and workers regarding the safety and wellbeing of children when dealing with Council. Information on how to contact the Children's Safety Officer can be found on Council website at www.wrc.sa.gov.au

6.3.4 Recruitment, Selection and Training

All reasonable steps are taken to ensure that Council engages the most appropriate people to work with and provide services to children and vulnerable people.

All Council staff and volunteers involved in child related work are required to hold a Working with Children Check. Council will also ensure that all relevant workers who work with children and vulnerable people, or who have access to their personal records have ongoing support and training to develop, enhance and maintain an overall safe environment.

Council will contact the Department of Human Services Screening Unit if at anytime becomes aware of certain information regarding a person involved within its organisation, including any serious criminal offence, child protection information, or disciplinary or misconduct information.

6.3.5 Code of Conduct

All employees, volunteers, contractors, elected members and consultants are required to comply with the code of conduct endorsed by Council which sets out standards of conduct when providing services to children (See Appendix B: *Code of Conduct for a Child Safe Organisation*).

6.3.6 Third Party Contracts

Third parties who are in a contractual relationship with Council are required to comply with this Policy and relevant legislation to maintain a safe environment for children and vulnerable adults while they use or receive Council's services or participate in Council programs. Any third-party contractor that is involved or participating in programs and/or facilities is required to provide evidence of a completed child safe environment compliance statement.

6.3.7 Privacy

Unless required by the Policy, process or relevant legislation, any information collected, used, disclosed or stored by a worker or other person in the course of performing functions under this Policy will respect the privacy of that person pursuant to Council's *Information Privacy Policy*.

7. RESPONDING TO HARM OR SUSPECTED HARM

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

7.1 Reporting Suspicion of a Child at Risk of Harm

Suspicion that a child at risk of harm **must** be reported where:

- (a) The worker suspects on reasonable grounds that a child or vulnerable person is, or may be at risk; and
- (b) The suspicion was formed in the course of the worker's employment or duty.

A worker is **not** required to report a suspicion that a child may be at risk of harm if:

- (a) The worker believes on reasonable grounds that another person or worker has reported the matter in accordance with this Policy and associated process; or
- (b) The worker's suspicion was due solely to having been informed of the circumstances that give rise to the suspicion by a policy officer or child protection officer acting in the course of their official duties; or
- (c) The worker believes on reasonable grounds that the Department is already aware of all the information that forms the basis of the worker's suspicion.

If a worker suspects on reasonable grounds that the physical or psychological development of an unborn child is at risk, and that suspicion was formed in the course of the Worker's employment or duty, the worker will report their suspicion to the Child Abuse Report Line (telephone 24 hours a day, 7 days a week on 13 14 78) or online (E-CARL) at <https://www.childprotection.sa.gov.au/>

7.2 Reporting Suspicion of a Vulnerable Person at Risk of Harm

A worker **may** make a report to the Adult Safeguarding Unit if they have suspicion that a vulnerable adult is at risk of abuse.

Nothing in this policy prevents a worker from reporting a suspicion that a vulnerable person has been abused or may be at risk of harm in any other manner or to any other person or body that the worker thinks fit, including SAPOL, Aged Rights Advocacy Services Inc., Aged Care Quality and Safety Commission, etc.

8. BREACHES OF THIS POLICY

- 8.1 All members of Council, workers and volunteers must comply with this policy at all times. Workers who do not have reporting obligations under this policy or associated legislation are strongly encouraged to raise any concerns or suspicions to the Manager or other appropriate person, in order to maintain and secure a safe environment.
- 8.2 Breaches of this policy will be treated seriously by Council and breaches may lead to disciplinary action up to and including termination of employment or cancellation of Contract or Agreement.

References:

The National Principles for Child Safe Organisations.

Review:

Under Chapter 8 of the Children and Young People (Safety) Act 2017, this Policy shall be reviewed at least once in a five (5) year period or more frequently if legislation or Council needs to change the content.

Document history:

Version	Adopted	Description of Change
1.0	Dec 2015 – Min 140	New Policy
2.0	August 2018	New template, Principles added, name changed to reflect encompassment of Vulnerable People, consolidation of Policy D14 including inclusion of Appendices 1, 2 and 3.
3.0	August 2022	New document to reflect legislation changes.

APPENDIX A – ROLES AND RESPONSIBILITIES

Council is responsible for development of the *Children and Vulnerable People Safe Environment Policy*

(Safe Environment Policy) and in conjunction with the Chief Executive Officer and/or his or her

delegates:

- 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; and
- lodging a new child safe environments compliance statement whenever this policy is reviewed or every 5 years (whichever occurs first).

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 harm, risk of harm, 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 harm, risk of harm or abuse of a child or other vulnerable person if required.

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 harm or risk of harm to a child or young person. 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 or risk of harm to 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/Consultants
- 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 and ensure an election version of the policy is made available;
- 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.

APPENDIX B – CODE OF CONDUCT FOR A CHILD SAFE ORGANISATION

Wakefield Regional Council is committed to the safety and wellbeing of children and young people.

Caring for children and young people brings additional responsibilities for employees, third party contractors and volunteers of our organisation. All employees, third party contractors and volunteers of our organisation are responsible for promoting and protecting the safety and wellbeing of children and young people by:

- abiding by Wakefield Regional Council’s *Children and Vulnerable People Safe Environment Policy* at all times and taking all reasonable steps to ensure the safety and protection of children and young people;
- treating everyone (this includes staff, third party contractors, 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 ensure equity is upheld;
- being a positive role model to children and young people in all your conduct with them;
- setting clear boundaries about appropriate behaviour between yourself and the children and young people accessing Council services– boundaries help everyone to understand their roles;
- listening and responding appropriately to the views and concerns of children and young people;
- ensuring another adult is always present or in sight when conducting one to one coaching, instruction or other activity;
- being alert to children and young people who are, or may be at risk of harm, and reporting this quickly to the Child Abuse Report Line (13 14 78);
- responding quickly, fairly and transparently to any serious complaints made by a child, young person or their parent/guardian;
- encouraging children and young people to ‘have a say’ on issues that are important to them.

Employees, third party contractors and volunteers must not:

- engage in rough physical games;
- develop any ‘special’ relationships with children and young people that could be seen as favouritism such as the offering of gifts or special treatment;
- do things of a personal nature that a child or young person can do for themselves, such as toileting or changing clothes;
- discriminate against any child or young person because of age, gender, cultural background, religion, vulnerability or sexuality.

Breach of the Code of Conduct

Disciplinary action will be taken if any employee, third party contractor or volunteer of Wakefield Regional Council breaches the code of conduct, and may include termination of employment or cancellation of Contract or Agreement.

I agree to abide by Council’s Children and Vulnerable People Safe Environment policy and this code of conduct:

Name:.....

Signature:..... **Date:**.....

APPENDIX C – MANDATORY (CHILD HARM) REPORTING TRAINING

Mandated notifiers are staff, volunteers, contractors or consultants who provide health, welfare, education, sporting or recreational, childcare or residential services wholly or partly for children, being people who:

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

The following points provide further guidance:

- 1.1 Parks and garden staff, dog and parking inspectors, and maintenance staff, do not provide services to children. They may come into contact with children from time to time in carrying out their duties, but are not mandated notifiers. However, all staff should be aware of Council's *Children and Vulnerable People Safe Environment Policy* and who to talk to about any concerns that may arise about child safety during the course of their duties.
- 1.2 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. Staff and volunteers in these roles are mandated notifiers because they provide services **partly** to children.
- 1.3 Staff and volunteers in other roles provide services **wholly** to children, such as immunisation services, childcare centres, children's library programs, education programs for children, and Youth Groups. Those involved in delivering these services are mandated notifiers.
- 1.4 Supervisors and/or managers and officers who have **direct responsibility** for the supervision of those staff and volunteers who provide services partly or wholly to children are also mandated notifiers.

There will be other types of services provided by Councils either wholly or partly to children. It is suggested that the above "partly" or "wholly" test be applied to determine if relevant staff and volunteers are mandated notifiers.

2. What are the training requirements?

Training is not compulsory or a legal requirement.

However, the National Principles for Child Safe Organisations require that Council ensures all volunteers and employees are aware of their responsibilities under law as mandated notifiers and that volunteers and employees are able to identify and respond to children at risk of harm.

The training programs delivered through Local Government in South Australia since 2007 has been accredited by DHS in accordance with these standards.

It is suggested that mandated notifiers undertake refresher training 3 years after the initial training, and every 3 years thereafter.

Clarification has been sought by some Councils about the level of training required for mandated notifiers in various roles, that is, whether providing services partly or wholly to children. Enquiries have also been received from Councils about refresher training requirements.

APPENDIX D – MANAGING THE RISKS OF HARM

The following commentary highlights issues to address to manage risks of harm under the categories of Programs, Premises and Participants.

Programs – the combination of activities, equipment and leadership

Basic safety considerations serve to limit opportunities for harm, such as:

- Determining the number of leaders required for specific activities;
- Providing opportunities for parental/carer participation;
- Matching program activities to the physical and intellectual capabilities of participants; and
- Recognising the risks that some activities, such as photography and access to the Internet, afford for harm.

Premises – the physical environment in which activities are conducted

The physical environment in which an organisation conducts its activities can enhance opportunities for harm, or it can reduce the risks. Organisations should consider the following issues.

Safety and security in recreational areas such as playgrounds, reserves, skate parks, and places where young people gather. For example, design features which ensure visual surveillance and lighting.

Access control, lighting, design of shower and toilet facilities when selecting locations to use for children's programs. Ideally, the organisation should be able to monitor people entering and leaving its programs. Rooms and closets not required for program activities should be secured to prevent children from being isolated.

Indoor and outdoor areas should be adequately illuminated to enable observation of activities and discourage victimisation attempts in parking lots or play areas.

Participants – Protective Work Practices

Organisations should strive to develop a personal shield of safety around participants in activities for children and other vulnerable people and ensure protective work practices are in place to guide staff and volunteers in providing services to children.

Examples follow:

Adopt policies concerning the administration of discipline. Corporal punishment is not permitted.

Out of program contact between staff, volunteers and participants should be expressly prohibited. If not, the liability for such activities should be transferred to the parents/carers.

Limit the opportunity for one-on one, close and unsupervised contact between workers and volunteers and children, young people and other vulnerable people.

Gain consent of parents/caregivers in advance if one-on-one unsupervised contact is to occur. Workers and volunteers to report to supervisors/managers in advance if one-on-one unsupervised contact is to occur.

Offer child protection education to young participants in programs and parents/caregivers.

APPENDIX E – REFERENCES AND CONTACTS

A collection of Child Safe Environment references and resources on a range of topics is available via the Department of Human Services website under the heading “Additional Resources for creating child safe environments”:

<https://dhs.sa.gov.au/services/community-and-family-services/child-safe-environments/creating-child-safe-environments/additional-resources-for-creating-child-safe-environments>

Department for Child Protection, Child Abuse Report Line

Telephone 13 14 78

This is a 24-hour line and can be reached from anywhere in South Australia for the cost of a local call. Reports can also be made on-line at <https://www.childprotection.sa.gov.au/reporting-child-abuse>

SAPOL Special Investigations Unit

Telephone 8226 1604

A resource for discussing, in confidence, concerns about behaviour of employees or volunteers that is believed to be inappropriate adult to child behaviour.

SA Department of Education

Appropriate Behaviour “Protective Practices for Staff in their Interactions with children and young people, Guidelines for staff working or volunteering in education and care settings 2017 (2nd edition, revised 2019)

https://www.education.sa.gov.au/sites/default/files/protective_practices_for_staff_in_their_interactions_with_children_and_young_people.pdf

SAPOL – Volunteer Organisation Authorisation

Number for Police Checks – applying to non- government organisations providing a charity or community service. The State Government will meet the cost of police checks for volunteers who work with “vulnerable groups” such as children, the aged and frail, or people with a disability.

For further information contact 8204 2438, visit www.police.sa.gov.au or email SAPOLrecords@police.sa.gov.au

Telephone contacts for advice and assistance for children and Parents

Kids Help Line - 1800 55 1800

Lifeline -131 114

Youth Help Line - 1300 13 17 19