

<b>SAFE ENVIRONMENT POLICY: DUTY OF CARE TO VULNERABLE PEOPLE</b>	
Council Policy	
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## 1. POLICY STATEMENT

- 1.1 Council is committed to the safety and wellbeing of children, young people and other vulnerable people who access our services. Council supports 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. Council also support the rights and wellbeing of its 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 In addition to the moral obligation to address any harm to children, the Children and Young People (Safety) Act 2017 places a legal obligation on Councils (and all other organisations providing a service wholly or partly to children) to ensure all children in their care are safe from harm.
- 1.3 This policy aims to ensure the Council organisation and facilities are safe environments for children, young people and that they are protected from harm. 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, young people and vulnerable persons at all times.

## 2. PURPOSE

### 2.1 Purpose

To acknowledge that Council has a role to play in fostering a safe local environment and to ensure that Council organisation and facilities are safe environments for children and vulnerable people.

To highlight that all Council employees, volunteers, contractors and consultants are to maintain a duty of care for the safety, wellbeing and protection of children and vulnerable people from abuse and neglect.

### 2.2 Scope

This 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, young people and other vulnerable persons or who work near children, young people and other vulnerable persons.

This Policy will be communicated through Council's usual channels 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.

### 2.3 Definitions

**Harm** includes physical or psychological harm (whether caused by act or omission) and includes such harm caused by sexual, physical, mental or emotional abuse or neglect.

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

**Vulnerable person** refers to an adult person who, by reason of age, ill health, disability, social isolation, dependence on others or other disadvantage, is vulnerable to 'abuse'. 'Abuse' is defined in Section 4 of the *Ageing and Adult Safeguarding Act 1995*.

**Mandatory reporting obligations** means a mandated notifier (any person providing services solely or partly to children and other vulnerable persons - staff, volunteer, contractor or consultant, including sole operators and partnerships) must report any suspicion of harm or risk of harm of a child to the Department for Child Protection Child Abuse Report Line 13 14 78 or on-line <https://www.childprotection.sa.gov.au/reporting-child-abuse/report-child-abuse-or-neglect>

**Prescribed position** is a position in which a person works with children or in 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 out 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.

## 2.4 Strategic Reference

### 1. Community

1.2 We are resilient, inclusive, safe and a vibrant community where people feel proud to live.

1.3 People of all ages, cultures, abilities and interests have access to services, facilities and experiences that support their wellbeing.

### 5. Governance and Financial Sustainability

5.5 We meet or exceed legislative and accreditation requirements for all relevant programs.

## 3. PRINCIPLES

3.1 Council is committed to ensuring the organisation and Council facilities are safe environments for children, young people and vulnerable persons. sets principles to reflect the guidance provided by Department for Child Protection on appropriate standards of conduct for adults in dealing with children.

3.2 Council has legal obligations pertaining to Section 114 of the *Children and Young People (Safety) Act 2017*. The Act requires that a prescribed organisation must adopt policies and procedures:

- a) that ensure the requirements under Chapter 5 Part 1 of the Children and Young People (Safety) Act 2017 are satisfied;
- b) that ensure that safe environments for children and young people are established and maintained in respect of the services provided;

The policies and procedures must align with the Children and Young People (Safety) Act 2017, the Child Safety (Prohibited Persons) Act 2016, and the National Principles for Child Safe Organisations insofar as they are applicable to the Council.

Mandated notifiers include any Council employee or volunteer directly involved in the delivery of health, welfare, education, sporting or recreational childcare or residential services wholly or partly for children. Mandated notifiers must report any suspicion of harm or risk of harm of a child to the Department for Child Protection Child Abuse Report Line (telephone 24 hours a day, 7 days a week on 131478) or online at <https://www.childprotection.sa.gov.au/reporting-child-abuse/report-child-abuse-or-neglect>

### **3.3 Council's commitment to providing a safe environment**

Council operates under the principles of the *Ageing and Adult Safeguarding Act 1995*, the *Child Safety (Prohibited Persons) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Council embraces the following mechanisms to be proactive in ensuring a safe environment is provided for all participants involved in services and programs offered:

- a) Increasing awareness within the organisation about ensuring a safe environment where children and vulnerable people feel safe and protected from abuse and vulnerable adults are treated with respect for their dignity, autonomy and right to self-determination.
- b) Maintaining a rigorous staff and volunteer recruitment and/or screening/selection process.
- c) Providing ongoing training and support to Council Members, staff, volunteers and all those involved in the delivery of services and programs, to ensure they are able to fulfil their duty of care.
- d) Establishing supportive and responsive procedures for fulfilling mandatory reporting obligations and dealing with complaints and issues effectively as they arise.
- e) Operate in a spirit of cooperation and consultation with other relevant agencies in matters concerning protection of children and vulnerable people from abuse.
- f) Develop, monitor, evaluate and review risk management strategies to minimise harm to children and other vulnerable people.

### **3.4 Responding to Suspected Harm or Risk of Harm**

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

Where there is any suspicion that a child or vulnerable person has been or is being abused by a person working within a service/program offered by Council, or by someone known to the child/person the reporting process is to be commenced immediately. The processes for reporting suspected abuse or neglect are available to staff via Council's internal intranet.

In the case of Mandated Notifiers, the onus to notify the relevant body/agency rests with the person who suspects the abuse.

### **3.5 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 persons.

Applicants for prescribed positions will be screened for their suitability to provide services. Screening will involve WWCC checks, interviews, referee reports, and checking 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.

### **3.6 Code of Conduct**

Council is committed to ensuring that children and young people and other vulnerable persons are treated with respect, fairness and dignity within a welcoming and supportive environment that is free from all types of abuse and inappropriate behaviour.

All employees, volunteers, contractors, consultants and any other persons engaged to provide any service wholly or partly to children or other vulnerable persons on behalf of Council are required to comply with the Code of Conduct provisions, as well as children, young people, parents, family members and carers who access Council services.

The provisions within the Code of Conduct do not cover every situation - however, the values, ethics and standards it implies are a reference point to help make decisions relating to situations not referred to in this Code of Conduct. It sets out the minimum standards of behaviour expected during any interactions with children and young people in accessing Council services.

Council's Child Safe Officers can be contacted for further information relating to the application of the Code of Conduct provisions or the Child Protection (Safe Environment) Policies.

- 3.6.1 Minimum standards of behaviour include providing supportive behaviours and safe and protective work practices.
- 3.6.2 Unacceptable behaviours against a child, young person or other vulnerable person include:
  - a) Any form of discrimination
  - b) Hitting or physical assault
  - c) Using language that is offensive, abusive or otherwise inappropriate
  - d) Showing preferential treatment over others
  - e) Shouting, yelling or speaking in an angry, intimidating or threatening manner
  - f) Engaging in rough physical play
  - g) Unnecessary physical contact
  - h) Condone or participating in illegal or unsafe behaviours when working
  - i) Making inappropriate self disclosures relating to any participation (past or present) in illegal or unsafe behaviours
  - j) Initiating or engaging in 'friendship' relationships with a child or young person
  - k) 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
  - l) Acting in a manner that is sexually inappropriate - this includes verbal, physical and implied behaviours
  - m) Initiating or developing a physical/sexual 'relationship'
  - n) Initiating or developing any relationship that could be deemed as exploitative or abusive
  - o) Failing to report disclosures of abuse or suspicions of abuse to the relevant supervisor and/or Child Abuse Report Line
- 3.6.3 Where an employee or volunteer is found to have acted outside of this Child, Young Person or Other Vulnerable Persons Code of Conduct, they will be subject to disciplinary action commensurate with the seriousness of their actions. This disciplinary action may take the form of a warning, counselling or termination of their employment.
- 3.6.4 Employees are entitled to representation in the consideration of alleged non-compliance with the Code provisions. The principles of fairness, equity and natural justice will apply to investigation and management of the matter. Investigations undertaken regarding compliance with the Code will be kept confidential, excluding any mandatory reporting requirements to external bodies, for example, SAPOL.

### **3.7 Risk Management Strategies**

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

Council's services and programs have developed extensive policies and procedures to manage risks and to protect children and other vulnerable people. These measures include, but are not limited to, ensuring that children are supervised at Council facilities (refer clause 3.11) and that relevant screening processes are embedded within the Council's recruitment processes, and reviewed for other contractors and persons who may attend Council sites.

### **3.8 Involvement in decision-making**

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

Council's grievance procedures including policies, complaints and feedback processes are available on the Council website.

### **3.9 Child Safety Officer**

Council has appointed the Director Corporate & Community Services as the Child Safety Officer to provide a single contact for children, parents and employees/volunteers to seek advice and support regarding the safety and wellbeing of children when dealing with the organisation.

### **3.10 Staff Responsibilities**

3.10.1 Program Coordinators/Managers will provide staff with access to Mandatory Reporting Training.

3.10.2 Managers of Council Programs and Services that operate a prescribed position will communicate the Safe Environment Policy to all relevant audiences to ensure awareness and understanding of Council's commitment to ensuring a safe environment. This will include employees, volunteers, contractors, consultants, parents, carers, other vulnerable people and children where relevant.

3.10.3 The Chief Executive Officer is responsible for monitoring progress towards child and vulnerable people safe environments and reporting to the Department of Human Services on that subject.

### **3.11 Unattended Children at Council Facilities**

The Council recognises that the supervision of children is paramount and that the responsibility for the welfare and behaviour of children using various Council facilities shall at all times remain with the parent/guardian or an assigned chaperone of at least 18 years of age.

3.11.1 Although staff will always respond with care and concern, Council staff in no way assumes any responsibility for, or to watch over any child or children left unattended at a Council facility.

3.11.2 Children 13 years and under entering Council facilities must be accompanied by an adult/guardian.

3.11.3 If a staff member recognises an unattended child under the appropriate age in a Council facility:

- a) The staff member will determine if the person responsible for the child is in the facility and will attempt to find them;
- b) If there is not a person responsible for the child in the facility the staff member will attempt to contact a parent/guardian using information provided by the child and the parent/guardian will be asked to pick up their child immediately;
- c) If the parent/guardian cannot be located or if the contacted parent/guardian has not picked up their child within 20 minutes of being called, the staff

member will use discretion to contact either the SAPOL 131 444 or Department for Child Protection Port Augusta Office 8648 5060 (Office Hours) or Crisis Care 13 16 11 (After hours). SAPOL should be the first contact point.

#### **4. RESPONSIBILITY & REVIEW**

##### **4.1 Responsible Officer**

Chief Executive Officer

##### **4.2 Availability**

This policy will be available on Council's website.

##### **4.3 Review**

This policy will be reviewed within 12 months of a General Election for Local Government, or as required to meet other obligations.

#### **5. REFERENCES**

##### **5.1 Legislation**

Ageing and Adult Safeguarding Act 1995  
Children and Young People (Safety) Act 2017  
Child Safety (Prohibited Persons) Act 2016  
Criminal Law Consolidation Act 1935  
Disability Services Act 1993  
Equal Opportunity Act 1984  
State Records Act 1997

##### **5.2 Other References**

National Principles for Child Safe Organisations  
LGA Child Safe Environments Guidelines (Framework for Local Government in SA)  
Port Augusta City Council Induction Package for New Employees  
Recruitment & Selection Policy  
Employee Performance Standards Policy  
Fair Treatment Policy