

Safe Environment Policy

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1. Introduction and Rationale

The Clare & Gilbert Valleys 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 people within 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 participation in building and maintaining a secure environment for all children, young people and other vulnerable people.

In addition to children and young people, other vulnerable people could include the frail aged, people with a disability and or people who experience disadvantage, for example, some Aboriginal Australians and newly arrived immigrants and/or refugees.

In addition to the moral obligation, amendments to the Children's Protection Act 1993 (SA) 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. Requirements for criminal history checks for certain staff and volunteers working in the area of aged care also apply as of 1 March 2007.

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

More detailed information is provided in the Department for Families and Communities *Child safe Environments: Principles of Good Practice* hereinafter referred to as "DFC Guidelines", available as www.families.sa.gov.au

2. Legal Obligations

Section 8C(1) of the Children's Protection Act requires local government have in place policies and procedures for ensuring:

- Child safe environments are established and maintained within the organisation:
- Reports of suspected abuse or neglect are made under Part 4 of the act.

The policies must comply with the DECD Principles and Standards (insofar as they are applicable to the organisation)

S11(2) prescribes mandated notifiers as 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 abuse or neglect of a child to the DECD Child Abuse Report Line: telephone 24 hours a day, 7 days a week on 13 14 78 or online at www.reportchildabuse.families.sa.gov.au

Child Safe Environment – Framework for Local Government in SA

Section 8B requires criminal history screening to be undertaken of people occupying or acting in a prescribed position before a person is appointed to, or engaged in a prescribed position; and / or at anytime as the Council thinks necessary or desirable for the purpose of establishing or maintaining child safe environments.

As of March 2007 the Australian Government Department of Health and Ageing also required criminal history (police) checks for certain staff and volunteers working in the areas of aged care. This applies to Australian Government subsidised aged care services.

3. Definitions

The Children's Protection Act 1993 (SA) states that child abuse and neglect (or harm) in relation to a child means

- Sexual abuse ; or
- Physical or emotional abuse, or neglect to the extent that;

The child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's wellbeing; or

The child's physical and psychological development is in jeopardy.

Child means a person under the age of 18

Criminal history screening involves obtaining information about relevant potential employees, volunteers, contractors or consultants on the basis that the information is deemed relevant to assessing the suitability of a person to work in a child-related area. The information gathered may include details concerning previous employment and relevant experience: verification of qualifications and professional registration; criminal history information, reference checks and work history reports

Mandatory reporting obligation means a mandated notifier (any person providing services solely or partly to children – staff, volunteer, contractor or consultant including sole operators and partnerships) must report any suspicion of abuse or neglect of a child to the Families SA Child Abuse Report Line, or online. **Prescribed position** is one that requires or involves one or more prescribed functions as follows:

- Regular contact with children or working in close proximity to children on a regular basis where that contact or work is not directly supervised at all times
- Close proximity means in reasonable unaided visual sight that is physically being within eyeshot.
- Regular contact includes multiple instances of contact in limited duration (attendance at a weekly program) or fewer, extended and intense periods of contact which may be away from children's usual environment.
- Supervision or management of above positions; and
- Access to records of a kind prescribed by regulation relating to children (including to child protection services, health services, education services, disability services and court orders and proceedings)
- Identifying prescribed positions will involve consideration of the nature of the service provided (proximity or intimacy), the frequency (incidental contact, regular and /or on-going contact)

4. Application of the Policy

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

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 and Procedure Standards

Council is committed to and has endorsed procedural standards which focus on ensuring the organisation and Council facilities are safe environments for children and vulnerable people. In particular, the following standards reflect the guidance provided by DECD 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.

5.2 Codes of Conduct

All employees, volunteers, contractors 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. The Chief Executive Officer is defined as the Safe Environment Officer.

5.3 Council will take reasonable steps to ensure that it engages the most suitable and appropriate people to work with, and provide services to, children and other vulnerable people. 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, and undertaking criminal history screening. If a criminal history is recorded information will be dealt with in a manner that reflects the standards developed and issued by DECD.

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 indecision making

Council will 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

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. Associated Documents

- Children's Protection Act 1993 (SA)
- Children's Protection Regulations
- DECD – Child Safe Environments: Principles of Good Practice
www.families.sa.gov.au
- DECD Child Safe Environments: dealing with Criminal History Information
www.families.sa.gov.au
- Approved Providers of Australian Government Subsidised Aged Care Services – Fact Sheet www.health.gov.au
- Any other relevant Council policy, procedures and code of conduct documents

7. Policy Review

The Safe Environment Policy will be reviewed every two years to ensure compliance with the DFC standards and effective maintenance of a safe environment.

Roles and Responsibilities

Council is responsible for development of the “Safe Environmental Policy” and in conjunction with the Chief Executive Officer:

- Promoting protection of children and other vulnerable people from abuse
- 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 other vulnerable 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) 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 criminal history screening of existing employees and preferred applicants for prescribed positions
- Effective implementation of the policy, procedures and safe work place practices.
- Being aware and promoting acceptable behaviour when dealing with children and other vulnerable 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 abuse of a child to the Child Abuse Report Line.

- 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 DECD , the South Australian Police and other relevant government agencies in their investigations of suspected abuse of a child or other vulnerable person.
- 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 *Children's Protection Act 1993 (SA)* to notify the Families SA if they suspect, on reasonable grounds, that a child has been or is being abused or neglected and the suspicion is formed in the course of their work (paid or voluntary) 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 this policy.

Council strongly encourages and will sensitively support any staff member, volunteer, contractor or consultant who though not a mandated notifier as defined by the Childrens Protection Act 1993 to report any suspicion they have of incidents of abuse or neglect of a child or other 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 and where appropriate report to the relevant Government authorities.