

District Council of Peterborough



Amalgamated 1997

**DISTRICT COUNCIL
OF
PETERBOROUGH**

Safe Environment for Children Policy



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SAFE ENVIRONMENT FOR CHILDREN POLICY

- Adoption Reference:** Council Meeting 15/04/2024
Resolution 25/24
- Applicable Legislation:** There is a legislative requirement for Council to have a policy relating to this area under section 114(1) of the Children and Young People (Safety) Act 2017
- Version:** The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.
- Accessibility:** This Policy, and all policies and By-Laws, are available for viewing, downloading or printing from Council's website: www.peterborough.sa.gov.au
Hard copies can be provided in accordance with Council's Fees and Charges at the Council office at 108 Main Street, Peterborough, SA 5422 during ordinary business hours.
- Grievances:** Any grievances in relation to this Policy or Code, or its application, should be forwarded in writing addressed to the Chief Executive Officer of Council.
- Next Review Dates:**

1. INTRODUCTION AND RATIONALE

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 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 other vulnerable people.

In addition to the moral obligation to address any harm to children, 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 all children are safe from harm and report instances of harm and risk of harm to children and young people.

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 at all times.

2. LEGAL OBLIGATIONS

- *Child Safe Environments*

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.

The policies and procedures must comply with the National Principles for Child Safe Organisations issued by the Australian Human Rights Commission as varied from time to time.

- *Mandatory Reporting*

Section 30(3) 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; and

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.

Mandated notifiers must report any suspicion of a child being harmed or at risk of harm to the Child Abuse Report Line (CARL) (telephone 24 hours a day, 7 days a week on 13 14 78). All serious concerns must be reported via the phone line, **not** via the online e-CARL portal (<https://my.families.sa.gov.au/IDMProv/landing.html>).

See Attachment 2 for further examples of mandated notifiers.

3. DEFINITIONS

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

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

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.

WWCC means Working With Children Check.

4. APPLICATION OF THE POLICY

The 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.

A schedule of roles and responsibilities is included as Attachment 1.

The Safe Environment 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 Council Members, staff, volunteers, contractors, consultants, parents, carers, and children where relevant.

5. POLICY

Council is committed to ensuring the organisation and Council facilities are safe environments for children and vulnerable people.

In particular, the following standards reflect the guidance provided by DHS 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, 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.

The code of conduct is supported by Council's grievance procedure to address breaches of the code of conduct.

5.3 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 and young people. Council's commitment will be included in relevant job advertisements, and clear position descriptions to child safety and wellbeing.

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

In accordance with the Child Safety (Prohibited Persons) Act 2016, Council is registered with the DHS Screening Unit and links all WWC checks. All workers who will be working in a role with children and young people must hold a current, not prohibited WWCC issued by the Screening Unit of the Department of Human Services, and must provide evidence of this prior to employment with renewal every 5 years. Council will verify the accuracy of all WWCCs in the DHS Screening Unit portal as required by law.

Council will immediately contact the Department of Human Services Screening Unit when we become aware of certain information regarding any person involved with our Council, including any serious criminal offence, child protection information, or disciplinary or misconduct information.

5.4 Involvement in decision-making

Council will promote the involvement of children and young 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 Harm or Risk of Harm

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 harm or risk of harm (including abuse or neglect) on reasonable grounds.

As per the National Principles for Child Safe Organisations, Council will ensure that 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 harm or risk of harm. This will be done through 3 yearly refresher training courses on Child Safe Environments and access to the DHS Mandatory Notification Information Booklet, at induction: https://dhs.sa.gov.au/_data/assets/pdf_file/0003/103179/CSE-Mandatory-notification-information-booklet.PDF

Any breaches of policy will be addressed as per Council's Child Safe Code of Conduct.

6. ASSOCIATED DOCUMENTS

- *Children and Young People (Safety) Act 2017 (SA);*
- *Children and Young People (Safety) Regulations 2017 (SA);*
- *Child Safety (Prohibited Persons) Act 2016 (SA); and*
- *Child Safety (Prohibited Persons) Regulations 2019 (SA)*
- *Criminal Law Consolidation Act 1935,*
- *National Principles for Child Safe Organisations*
- *Child Safe Code of Conduct – DC of Peterborough*

7. POLICY REVIEW

The Child Safe Environment Policy will be reviewed at a minimum at least every 5 years to ensure compliance with the Children and Young People (Safety) Act 2017 and effective maintenance of a safe environment.

ATTACHMENT 1 - ROLES AND RESPONSIBILITIES

Council is responsible for development of the “Child Safe Environment Policy” and in conjunction with the Chief Executive Officer and/or his or her 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; and
- regularly reviewing the effectiveness of the policy.

Council Members have individual responsibility for appropriate behaviour towards children and young people, reporting harm and risk of harm 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.
- Ensuring the Child Safe Compliance Statement is lodged.
- 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 requirements for working with children and young people.
- Effective implementation of the policy 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 support to fulfill mandatory notification requirements and ensure mandated notifiers understand their legal responsibilities, via:
 - Training - ensuring all relevant workers read and understand the Mandatory Notification Information Booklet available at: https://dhs.sa.gov.au/data/assets/pdf_file/0003/103179/CSE-Mandatory-notification-information-booklet.PDF during Council induction;
 - Completion of the relevant Safe Environments Training; and
 - Supervision and support.
- Reporting any reasonable suspicion of harm they have towards a child or young person 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 or related issues, maintaining appropriate records and ensuring records are securely stored.
- Maintaining confidentiality and fully cooperating with the Department for Child Protection (DCP), the South Australian Police and other relevant government agencies in their investigations of suspected harm of a child, young person 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 or young person 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 harm rests with mandated notifiers, they are encouraged to seek advice and support from their supervisor and manager in relation to suspicions of harm or risk of harm towards a child. 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 who are 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, whether or not a “mandated notifier” as defined by the Safety Act, to report any suspicion they have of incidents of harm or risk of harm towards a child or young person.

In these cases, incidents of harm towards 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

- Licensees
- Lease of Council premises/facilities
- Hire of Council facility - conditions/agreements

All Licensees, Leasees and Hirers of Council facilities must adhere to the terms and conditions of their Licence/Lease/Permit, as stipulated, ie the Permit Holder shall comply with and give all notices required by any Act of Parliament, Ordinance, Regulation or By-law relating to the activity.

ATTACHMENT 2

Mandated Notifiers

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

- provide 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. 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 Child Safe Environment Policy and who to talk to about any concerns that may arise about child safety during the course of their duties.
2. Children can be 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.
3. Staff and volunteers in roles providing services **wholly** to children, such as children's library programs, education programs for children, and youth centre activities are mandated notifiers.
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.