



# Council Policy

## Safe Environments





## SAFE ENVIRONMENTS

<b>Policy Number:</b>	COM-12
<b>Responsible Department(s):</b>	Organisational Development
<b>Other Relevant Policies:</b>	<i>Code of Conduct for Council Employees</i> <i>Complaint Handling Policy</i>
<b>Relevant Procedure(s):</b>	<i>Organisational Development Policies and Procedures (administrative):</i> <i>Code of Conduct for a Child Safe Organisation</i> <i>Recruitment and Selection Policy</i> <i>Recruitment and Selection Checklist</i> <i>Criminal and Relevant History Screening Procedure</i> <i>Coaching, Performance Management and Discipline Procedure</i> <i>Grievance Resolution Procedure</i>
<b>Relevant Legislation:</b>	<i>Child Safety (Prohibited Persons) Act 2016 (SA)</i> <i>Child Safety (Prohibited Persons) Regulations 2019 (SA)</i> <i>Children and Young People (Safety) Act 2017 (SA)</i> <i>Aged Care Act 1997 (Cth) and Aged Care Accountability Principles 2014 (Cth)</i> <i>Disability Services Act 1993 (Cth)</i>
<b>Policies and Procedures Superseded by this policy on its Adoption:</b>	<i>Organisational Development Policy (administrative):</i> <i>Safe Environments, 05/06/18, Item 12.3 113/18</i>
<b>Adoption Authority:</b>	Council
<b>Date of Adoption:</b>	25 February 2020
<b>Effective From:</b>	10 March 2020
<b>Minute Reference for Adoption:</b>	Item 12.6, 37/20
<b>Next Review:</b>	No later than February 2023 or as required by legislation or changed circumstances

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## SAFE ENVIRONMENTS POLICY

### 1. INTRODUCTION

- 1.1 Council is committed to the safety and wellbeing of children, young people, the elderly and other vulnerable persons who access our services and programs.
- 1.2 We encourage the active participation of our employees and volunteers in building and maintaining a secure environment for all children, young people, the elderly and other vulnerable persons.

### 2. OBJECTIVES

- 2.1 This policy aims to ensure that Council's organisation and facilities are safe environments for children, young people, the elderly and other vulnerable persons and demonstrates Council's compliance with the:
- *Child Safety (Prohibited Persons) Act 2016 (SA)*
  - *Child Safety (Prohibited Persons) Regulations 2019 (SA)*
  - *Children and Young People (Safety) Act 2017 (SA)*
  - *Aged Care Act 1997 (Cth) and Aged Care Accountability Principles 2014 (Cth)*
  - *Disability Services Act 1993 (Cth)*

### 3. SCOPE

- 3.1 This Policy applies to the following persons in physical and online environments:
- Council employees;
  - Labour hire personnel; and
  - Individuals in non-employment relationships including, but not limited to, volunteers and those undertaking work experience placements, apprenticeships or traineeships with Council.
- 3.2 Collectively, all persons included in the Scope of this Policy will be referred to as 'employees and volunteers'.
- 3.3 This Policy will be communicated to all employees and volunteers to increase the awareness and understanding of Council's commitment to ensuring a safe environment for children, young people, the elderly and other vulnerable persons who access our services and programs.
- 3.4 The responsibilities of consultants, contractors and subcontractors engaged by Council to provide services to children, young people, the elderly and other vulnerable persons will be included within their Professional Services Agreement.

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## 4. DEFINITIONS

4.1 **“Child”** means a person under the age of 18.

4.2 **“Child abuse and neglect” or “harm”** means physical or psychological harm including harm caused by sexual, physical, mental or emotional abuse or neglect.

4.3 **“Child Related Work”** and **“Work with Children”** means the following activities or services:

- accommodation and residential services for children
- those provided by religious organisations (including organisations providing spiritual or pastoral services)
- childcare or child-minding services
- child protection services
- those provided by operating sporting, recreational, cultural or artistic clubs or associations with significant membership or involvement of children
- coaching or tuition services for children
- commercial services provided directly to children, including:
  - the sale or supply of goods or services where physical contact with children would be reasonably expected to occur
  - recreational services where contact with children would be reasonably expected to occur (such as a play gym)
  - entertainment services provided at children parties or events (such as face painting or the hire of bouncy castles)
  - entertainment services where a person appears or performs as a costumed character that is likely to appeal to children (such as a sports mascot or Santa Claus)
- photography of children
- competitions held primarily for children, or where there is a children’s category (such as beauty pageants and talent shows)
- disability services for children
- education services for children (including preschool, primary and secondary education, but not tertiary education)
- health services for children (including allied health services)
- justice and detention services for children
- transport services for children
- traffic control (or supervision of) provided at school pedestrian crossings.

4.4 **“Elder”** means a person aged 65 years or older.

4.5 **“Elder abuse”** means all aspects of abuse in relation to an Elder, that is, neglect, physical, verbal, sexual, financial and social.

4.6 **“National Criminal History Record Check”** means a nationwide assessment of a person’s criminal history that satisfies the requirements under the *Aged Care Act 1997 (Cth)* and the *Aged Care Accountability Principles 2014 (Cth)*. It is also commonly referred to as a ‘National Police Certificate’ and is prepared by the Australian Federal Police, a state or territory police service, or a CrimTrac accredited agency.

4.9 **“Prescribed position”** means a position as defined by:

Part 3, Section 5 (1) of the Child Safety (Prohibited Persons) Act 2016 (SA) in which a person works, or is likely to work, with children or in a position of a class prescribed by the Child Safety (Prohibited Persons) Regulations 2019.

A Working with Children Check is a requirement for prescribed positions under the Child Safety (Prohibited Persons) Act 2016 (SA).

Section 5 (b) (6) of the Disability Services Act 1993 (SA) that requires the performance of one or more prescribed functions. Prescribed functions are those involving any of the following:

- regular contact with people with a disability or working in close proximity to people with a disability on a regular basis, unless the contact or work is directly supervised at all times; or
- supervision or management of people in positions requiring or involving regular contact with people with a disability or working in close proximity to people with a disability on a regular basis; or
- access to records of a kind prescribed by regulation relating to people with a disability; or
- functions of a type prescribed by regulation.

A Disability Service Employment Check is a requirement for prescribed positions under Section 5 (b) (6) of the *Disability Services Act 1993 (SA)*.

4.10 **“Vulnerable persons”** refers to those who may be at risk of abuse or exploitation due to their dependency on others or experiences of disadvantage, and could include people with physical, intellectual or psychological disability, the frail aged, children, people from culturally and linguistically diverse backgrounds, refugees, and those living in poverty.

4.11 **“Working with Children Check”** means a check conducted under the *Child Safety (Prohibited Persons) Act 2016 (SA)* by the central assessment unit for people who are working with children or providing child-related work.

## 5. POLICY STATEMENT

### 5.1 Policy Principles

Council has endorsed the following standards that focus on ensuring the safety and wellbeing of children, young people, the elderly and other vulnerable persons who access our services and programs. We acknowledge the valuable contribution made by our employees and volunteers and encourage their active participation in providing a safe, fair and inclusive environment.

#### 5.1.1 Identify and analyse the risk of harm

Council identifies and assesses potential sources of harm and takes steps to decrease the likelihood that harm will occur to children, young people, the elderly and other vulnerable persons who access our services and programs. Areas of risk assessment may include and are not limited to human resources, activities and programs, record keeping, physical spaces and organisational culture.

### 5.1.2 Policy and Code of Conduct

Employees and volunteers are made aware of and must comply with Council's Safe Environments Policy and the Code of Conduct for a Child Safe Organisation.

Breaches of this policy or the Code of Conduct for a Child Safe Organisation are addressed using the Organisational Development Coaching, Performance Management and Discipline Procedure.

### 5.1.3 Recruitment and selection

Council takes reasonable steps to ensure that it engages suitable and appropriate employees and volunteers to work with, and provide services to, children, young people, the elderly and other vulnerable persons.

In line with the Organisational Development Recruitment and Selection Policy, Council maintains a transparent, evidence-based recruitment, screening and selection process for all employees and volunteers. This includes face-to-face interviews, referee reports, medical assessments, qualification checking and psychological testing (as appropriate for some positions).

A Working with Children Check is a requirement for all persons who seek to work, or a working in, a prescribed position under Part 3 (5) of the *Child Safety (Prohibited Persons) Act 2016 (SA)*.

A Disability Service Employment Check is a requirement for prescribed positions under Section 5 (b) (6) of the *Disability Services Act 1993 (SA)*.

A National Criminal History Record Check is a requirement for all persons who seek to work, or are working in, a position that provides programs and services on behalf of, and with funding from, the Commonwealth Government under the *Aged Care Act 1997 (Cth)*.

Employment screening must be conducted for all persons in relevant positions prior to the commencement of their employment and then every three years thereafter.

### 5.1.4 Support, train, supervise and enhance performance

Employees and volunteers who work with children, young people or vulnerable persons have ongoing supervision, support and training such that their performance is developed and enhanced to promote the establishment and maintenance of a safe environment. Training and development opportunities include:

- Providing ongoing feedback, coaching and development opportunities through Council's 4X8 performance and development process
- 'Safe Environments – Through their eyes' training for employees and volunteers working with children
- Promoting an awareness of and access to the Department for Education's child-safe environments publications and resources
- Utilising the free learning package developed by the Australian Childhood Foundation, 'Strategies for Managing Abuse and Related Trauma'.

**5.1.5 Involvement in decision-making**

Council promotes the involvement of children, young people and other vulnerable people in service development planning where relevant. Council has procedures to inform children, young people and other vulnerable persons of their rights, available complaint procedures and how they can access help and advice.

**5.1.6 Report and respond appropriately to suspected abuse and neglect**

Under Section 30 of the *Children and Young People (Safety) Act 2017 (SA)*, a mandated notifier is required by law to notify the Department for Child Protection if they suspect on reasonable grounds that a child or young person is, or may be, at risk of harm. This legal obligation arises when the mandated notifier forms this suspicion in the course of their employment (whether paid or voluntary). Information and guidance on how to report a suspected case of child abuse or neglect is available on the Department for Child Protection's website, [www.childprotection.sa.gov.au](http://www.childprotection.sa.gov.au)

Council takes reasonable steps to ensure that mandated notifiers are made aware of their legal obligations by providing them with ongoing support, training and supervision.

**5.1.7 Reporting suspected inappropriate behaviour by employees and volunteers**

If an employee or volunteer suspects on reasonable grounds that another person bound by this policy is acting inappropriately towards a child, young person or other vulnerable person, they must make a report to the Executive Manager Organisational Development (or their nominee). The Executive Manager Organisational Development will conduct an initial risk assessment that takes into account both the needs of the individual and the employee or volunteer against whom the allegation is made. An investigation will be undertaken in line with the Organisational Development Grievance Resolution Procedure (Level 3: Formal Procedure) or Council's Complaint Handling Policy as appropriate.

**6. ROLES AND RESPONSIBILITIES**

6.1 The CEO is responsible for:

- Understanding, complying with and promoting the Safe Environments Policy and Code of Conduct for a Child Safe Organisation.
- Ensuring that the Safe Environments Policy, and any related or supporting policies and procedures, are implemented, monitored, reported on, and evaluated.
- Being aware of and promoting acceptable behaviour when dealing with children, young people and other vulnerable persons.

6.2 The Executive Manager Organisational Development is responsible for:

- Reviewing the effectiveness of this Policy and any related or supporting policies and procedures.
- Ensuring significant changes to relevant legislation and/or regulatory requirements are brought to the attention of the CEO, Directors and People Leaders in a timely manner.
- Lodging a Child Safe Environments Compliance Statement as required by the Department for Education.

- Coordinating the identification of (employee) positions that require employment screening under the *Child Safety (Prohibited Persons) Act 2016 (SA)*, the *Disability Services Act 1993 (SA)* or the *Aged Care Act 1997 (Cth)*.
- Initiating employment screening applications for employees as required.
- Ensuring that employees' personal information is protected and securely managed to protect against loss, unauthorised access, modification, disclosure or misuse.
- Co-ordinating appropriate induction and on-going training and support to employees as required in relation to the Safe Environments Policy.

6.3 The Volunteer Coordinator is responsible for:

- Coordinating the identification of (volunteer) positions that require employment screening under the *Child Safety (Prohibited Persons) Act 2016 (SA)*, the *Disability Services Act 1993 (SA)* or the *Aged Care Act 1997 (Cth)*.
- Initiating employment screening applications for volunteers as required.
- Ensuring that volunteers' personal information is protected and securely managed to protect against loss, unauthorised access, modification, disclosure or misuse.
- Co-ordinating appropriate induction and on-going training and support to volunteers as required in relation to the Safe Environments Policy.

6.4 Directors and People Leaders are responsible for:

- Understanding, complying with and promoting the Safe Environments Policy and Code of Conduct for a Child Safe Organisation.
- Ensuring that the Safe Environments Policy, and any related or supporting policies and procedures, are implemented, monitored, reported on, and evaluated.
- Being aware of and promoting acceptable behaviour when dealing with children, young people and other vulnerable persons.
- Working with the Executive Manager Organisational Development and/or the Volunteer Coordinator to identify positions that require employment screening under the *Child Safety (Prohibited Persons) Act 2016 (SA)*, the *Disability Services Act 1993 (SA)* or the *Aged Care Act 1997 (Cth)*.
- Recruiting and selecting in accordance with the Organisational Development Recruitment and Selection Policy.

6.5 All employees and volunteers are responsible for:

- Understanding and complying with the Safe Environments Policy and Code of Conduct for a Child Safe Organisation.
- Being aware of and promoting acceptable behaviour when dealing with children, young people and other vulnerable persons.
- Actively participating in training and development opportunities.



**7. DELEGATION**

7.1 The Chief Executive Officer has the delegation to:

- Approve, amend and review any procedures that shall be consistent with this Policy; and
- Make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

**8. AVAILABILITY OF THE POLICY**

8.1 This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website [www.ahc.sa.gov.au](http://www.ahc.sa.gov.au). Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.