

Safe Environment Policy

Strategic Reference	Achieve or implement the statutory and core responsibilities of Council. Provide a safe, supportive and caring work environment where staff are comfortable to express their concerns and are encouraged to suggest ideas for administration improvements.
File reference	AR17/12198
Responsibility	Community & Corporate
Revision Number	5
Effective date	May 2010
Last revised date	August 2017
Minutes reference	166/17, 019/14, 055/12
Next review date	Every two years, August 2019
Applicable Legislation	<p>Aged Care Act – 1997 (Cth) Children’s Protection Act 1993 (SA) Children's Protection (Mandatory Reporting and Reciprocal Arrangements) Amendment Act 2000 (SA) Child Sex Offenders Registration Act 2006 (SA) Criminal Law Consolidation Act (SA) Disability Discrimination Act 1992 (Cth) Disability Service Act 1993 (SA) Family Law Amendment (Child Protection Convention) Act 2002 (Cth) Equal Opportunity Act 1984 (SA) Freedom of Information Act 1991 (SA) Human Rights and Equal Opportunity Commission Act (Cth) Racial Discrimination Act 1975 (Cth) Sex Discrimination Act 1992 (Cth) Work Health and Safety Act 2012 (SA) Workplace Relations Act 1996 (Cth)</p>
Related Policies	<p>Code of Conduct for Elected Members Code of Conduct for Council Employees Volunteer Policy Human Resource Policy</p>
Related Documents	<p>LGA – Child Safe Environment Guidelines (A Framework for Local Government in SA) Human Resource Procedures</p>

Safe Environment Policy

1. Purpose

Coorong District Council is committed to the delivery of safe practices relating to children and vulnerable persons, thus ensuring that their safety and wellbeing in the interactions with Council. Council will take responsibility to provide and promote safe and nurturing environments to children and vulnerable persons.

This policy complies with our obligations under the:

- Children's Protection Act 1993, including Section 8B-8D - Child Safe Environments and criminal history assessments for people working with children and Section 11 – Mandatory reporting;
- Disability Services Act 1993 and Disability Services (Assessment of Relevant History) Regulations 2014; and
- Aged Care Act 1997.

2. Scope

The policy is intended to apply to all positions within the organisation, inclusive of Council members.

Children and vulnerable persons include:

- Children (under the age of 18 years of age); or
- People who may be at risk of exploitation due to their dependency on others. For example:
 - people with a disability (physical, intellectual or a mental illness);
 - the frail or aged;
 - young

3. Policy statement

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 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 applied from 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.

4. Definitions

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

Safe Environment Policy

- 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 on-line.

“Prescribed position” is one that requires or involves prescribed functions as follows:

- Regular contact with children or working in close proximity to children on a regular basis where the 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 of 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 records relating 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 and intimacy), the frequency (incidental contact, regular and/or on-going contact).

5. Roles and responsibilities

5.1 Council is responsible for development of the “Safe Environment 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.

Safe Environment Policy

5.2 Chief Executive is accountable to the 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.

5.3 Managers and Supervisors (paid and voluntary) in relevant areas are accountable to the Chief Executive 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 ensuring mandated notifiers understand their legal responsibilities.
- Reporting any reasonable suspicion of abuse they have of a child to the Child Abuse Report Line (note: it is the mandated notifiers responsibility to report their suspicion, not their supervisor's or manager's).
- 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 if required.
- Report annually to the Chief Executive Officer on implementation, monitoring and review the policy and relevant services, programs, and workplace practices.

5.4 Mandated Notifiers have obligations under the Children's Protection Act 1993 to notify 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) 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 child abuse or neglect. This practice will ensure employees are appropriately supported, records are kept confidentially and securely, and any organisational responsibilities in addition to the mandatory reporting obligation are pursued where relevant.

5.5 Other Council Staff, volunteers, contractors and consultants (non-mandated notifiers)

Safe Environment Policy

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 Children’s 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.

5.6 Safe Environment Contact Officer (SECO) will be responsible under the Act for:

- The provision of support, guidance and advice pertinent to Child safe matters.
- The provision of support, guidance and advice on the mandatory reporting procedures.
- For the purposes of this Policy, Council’s SECO is the Organisational Development Coordinator.

6. 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.

6.1 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 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.

6.2 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. For more information about these procedures, contact the Safe Environment Contact Officer.

6.3 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 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

Safe Environment Policy

dealt with in a manner that reflects the standards developed and issued by DECD (refer www.famillies.sa.gov.au/childsafe).

6.4 Involvement in decision-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.

6.5 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.

7. Further information

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's website: www.coorong.sa.gov.au

Coorong Civic Centre

95-101 Railway Terrace
Tailem Bend
Phone: 1300 785 277
Fax: 8572 4399

Meningie Information Hub

49 Princes Highway
Meningie
Phone: 1300 785 277

Tintinara Customer Service Centre

37 Becker Terrace
Tintinara
Phone: 1300 785 277

Copies will be provided to interested parties upon request. Email council@coorong.sa.gov.au

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.