

Policy Section:	1. Corporate Governance
Policy Name:	Safe Environment
Classification	Public – Council Policy
Adopted:	10 April 2022
Frequency of Review:	Every four years
Last Review:	March 2022
Next Review Due:	March 2024
Responsible Officer(s):	Manager Library & Community Services
Policy Manual File Ref:	CC10/2601
Council File Reference:	CR21/88425
Legislation Authority:	Children and Young People (Safety) Act 2017 (SA) Child Protection Law Reform (Transitional Arrangements & Related Amendments) Act 2017 Child Safety (Prohibited Persons) Act 2016 Child Safety (Prohibited Persons) Regulations 2019 Aged Care Act 1997 Racial Discrimination Act 1975 Equal Opportunity Act 1992 Sex Discrimination Act 1984 Disability Discrimination Act 1992 Criminal Law Consolidation Act 1935 Work Health and Safety Act 2012
Related Policies:	Volunteer Management Policy (Operational Policies) Human Resources Management Policy Working with Children and Vulnerable Community Members Code of Conduct for a Child Safe Organisation
Related Procedures:	HR & Recruitment Procedures Youth Space Procedures

1. BACKGROUND

- 1.1 This Policy is written to state the commitment of Council to establishing and maintaining a safe environment to promote and enhance the safety and welfare of children, young people and other vulnerable community members that access our services.

- 1.2 This Policy reflects Council's commitment to provide an environment where every person has the right to be treated with respect and is safe and protected from harm.
- 1.3 This Policy will assist in developing and maintaining systems to minimise the risk of harm resulting from the delivery of Council services and programs. It will also assist in the reporting of suspected harm and risk of harm offences against children, young people and abuse offences against other vulnerable people.

2. LEGISLATIVE REFERENCE

2.1 Child Safety (Prohibited Persons) Act 2016

This Policy acknowledges Council's obligation relating to child-related work including ensuring Prescribed Positions have a valid Working with Children Check (WWCC).

2.2 Children and Young People (Safety) Act 2017

2.1.1 This Policy complies with our obligations under the Children and Young People (Safety) Act 2017 – Chapter 5 Part 1 Sections 30 and 31 and Chapter 8 Sections 114 and 115.

2.1.2 Section 31 (1) prescribes mandated notifiers are obligated to notify the Department for Child Protection, via the Child Abuse Report Line (CARL) on 131 478 if they suspect, on reasonable grounds, that a child has been or is being harmed or is at risk of harm and the suspicion is formed in the course of their work (paid or voluntary) or in carrying out official duties.

2.1.3 Section 114 (1) requires Council to:

2.1.3.1 Have policies and procedures that ensure the requirements of reporting the suspicion that a child or young person may be at risk are satisfied;

2.1.3.2 Establish and maintain child safe environments in respect of the services or activities provided or undertaken by the organisation; and

2.1.3.3 Lodge a Child Safe Environments compliance statement;

2.1.3 Section 115 requires Council to review the policies and procedures prepared or adopted under section 114(1) at least once in every 5 year period.

2.2 Other Acts

2.2.1 The Aged Care Act 1997 prescribes mandatory reporting for mandated notifiers if they, on reasonable grounds, suspect the abuse or neglect of an aged/vulnerable person by contacting local police or the Department of Health.

2.2.2 The Sex Discrimination Act 1984, Disability Discrimination Act 1992, Racial Discrimination Act 1975 and Equal Opportunity Act 1992 make harassment and discrimination on the grounds of sex, marital status, sexuality, pregnancy, race, impairment and age unlawful in the provision of goods and services.

2.2.3 Sexual offences are set out in the Criminal Law Consolidation Act 1935 and include rape, indecent assault, sexual intercourse with a minor and sexual abuse.

- 2.3 Within the terms of the above legislation, Council is responsible for its own conduct as well as the conduct of its employees, including unpaid volunteers.

3. DEFINITIONS

For the purpose of this policy, the following definitions apply:

- 3.1 **Abuse** - refers to all aspects of abuse, that is, neglect, physical, psychological, emotional and sexual.
- 3.2 **Children (Child)** - refers to a person younger than 18 years of age.
- 3.3 **Harm** - refers to physical harm or psychological harm (whether caused by an act or omission) and, without limiting the generality of this subsection, includes such harm caused by sexual, physical, mental or emotional abuse or neglect. **Psychological harm** does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life.
- 3.4 **Mandatory Reporting Obligation** – is the legislated requirement to report specific suspicions or incidents of harm, abuse or neglect on vulnerable persons
- 3.4.1 Regarding children - any person 18 years or older, in a Prescribed Position must report any suspicion of harm or risk of harm of a child to the Department for Child Protection 24 hour Child Abuse Report Line (CARL) - 13 14 78, or online electronic notification through E-CARL at <https://www.childprotection.sa.gov.au/>. Note that any serious concerns should be reported via CARL – 13 14 78.
- 3.4.2 Regarding vulnerable persons – any person 18 years or older, in a Prescribed Position must report any suspicion of abuse or neglect of a vulnerable person (aged or disabled) to the local police or the Adult Safeguarding Unit (ASU) phone 1800 372 310 or email adultsafeguardingunit@sa.gov.au.
- The ASU is a unit located in Office for Ageing Well and has a strong focus on safeguarding the rights of adults at risk of abuse. The ASU responds to concerns of abuse of vulnerable adults aged 65 years and over and Aboriginal or Torres Strait Islander People aged 50 years and over.
- 3.5 **Prescribed Position** - refers to a position that requires or involves prescribed functions which involve any of the following:
- 3.5.1 Regular contact with children, young and/or vulnerable people (including aged care and frail aged) in close proximity (usually within eyeshot) on a regular basis (multiple working instances of contact of limited duration or fewer, extended and intense periods of contact which may be away from the person's usual environment).
- 3.5.2 People who supervise/manage those in positions requiring or involving regular contact with children, young and/or vulnerable people (including aged care and frail aged) or in close proximity to them on a regular basis.
- 3.5.3 Those who have access to personal records relating to children, young and/or vulnerable people (including aged care and frail aged).
- 3.5.4 Functions of a type prescribed by regulation.

- 3.5.5 Any employee or volunteer within a prescribed position will undertake a National Police History Check and the relative Department of Human Services Screening. A satisfactory result, for all necessary screenings or checks undertaken, must be obtained prior to commencement.
- 3.6 **Workers** - A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as—
 - 3.6.1 an employee; or
 - 3.6.2 a contractor or subcontractor; or
 - 3.6.3 an employee of a contractor or subcontractor; or
 - 3.6.4 an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or
 - 3.6.5 an outworker; or
 - 3.6.6 an apprentice or trainee; or
 - 3.6.7 a student gaining work experience; or
 - 3.6.8 a volunteer; or
 - 3.6.9 a person of a prescribed class
- 3.7 **Relevant History Screening** - is the process of undertaking a National Police History Check and where required, additional screenings e.g. a 'Working with Children Check' under the Child Safety (Prohibited Persons) Act 2016 as it relates to the position. This process is obtaining information about potential or current employees, volunteers, contractors or consultants, where it is deemed relevant to working in a child, youth or vulnerable person related area. The information may include previous employment history, relevant experience, qualifications, professional registration, criminal history information, reference checks and work history reports.
- 3.8 **Vulnerable People** - refers to those aged 18 and over who may be at risk of abuse or exploitation due to their dependency on others or experiences of disadvantage, and could include people with a disability, the frail aged, people from culturally and linguistically diverse backgrounds, refugees and those living in poverty.
- 3.9 **Young People** - aged between 18 and 25 years.

4. PRINCIPLES

- 4.1 Council regards the interests of children, young and vulnerable people in our community as paramount and acknowledges that harm or risk of harm is abhorrent, illegal and must not be tolerated or ignored. Whilst some factors are outside the control of Council, it is recognised that Council has a role to play in fostering a safe local environment and contributing to a whole of community effort towards the protection of children, young and vulnerable people from harm or risk of harm.
- 4.2 Workers involved in the delivery of services and programs for children and young people will be required to comply with all Council policies, procedures and the Code of Conduct for a Child Safe Organisation.
- 4.3 Fostering the safety of children, young and other vulnerable people is a paramount consideration in the delivery of services and programs. Children, young and vulnerable people:

- 4.3.1 Need to know they have the right to be safe from harm and risk of harm at all times.
- 4.3.2 Are entitled to basic human rights regardless of special needs, cultural or socioeconomic factors.
- 4.3.3 Are deserving of respect, care and protection.
- 4.3.4 Are entitled to the support of a responsible person if they experience or are at risk of harm.
- 4.4 Council commits to:
 - 4.4.1 Increasing awareness within the organisation about ensuring a safe environment where children, young and vulnerable people feel safe and protected from harm and risk of harm.
 - 4.4.2 Maintaining a rigorous employee and volunteer recruitment and/or screening/selection process, this will include relevant history screening for all roles.
 - 4.4.3 Maintaining a regular check of existing employees in prescribed positions.
 - 4.4.4 Providing ongoing training and support to Workers in prescribed positions involved in the delivery of services and programs to ensure they are able to fulfil their duty of care.
 - 4.4.5 Prescribed positions as identified in the Working with Children and Vulnerable Community Members Policy are required to complete mandated notification training to understand their mandatory notification obligations. Two training options are available to workers, either:
 - Safe Environments: Through Their Eyes, or
 - Responding to Abuse and Neglect (DC_RAN)All workers must complete the full course, and attend refresher courses as determined by their certification. Evidence of training attendance and certification will be held in personnel containers and tracked via Council's Training Needs Analysis (TNA) system.
 - 4.4.6 Establishing supportive and responsive procedures for fulfilling mandatory reporting obligations and dealing with complaints and issues effectively as they arise.
 - 4.4.7 Operating in a spirit of cooperation and consultation with other relevant agencies in matters concerning protection of children, young and vulnerable people from harm and risk of harm.
 - 4.4.8 Developing, monitoring, evaluating and reviewing risk management strategies to minimise harm to children, young and other vulnerable people. Areas of risk assessment will include human resources, activities and programs, record keeping, physical spaces and organisational culture.
 - 4.4.9 Providing training to develop, enhance and maintain a child safe environment.
 - 4.4.10 Developing and maintaining internal procedures and guidelines to assist in complying with this policy and the relevant legislation.

5. RISK MANAGEMENT

Council will identify and assess potential sources of harm for all vulnerable people and wherever practical, take action to decrease the likelihood that harm will occur to any vulnerable person using relevant services and programs.

6. REVIEW AND EVALUATION

The effectiveness of this Policy will be reviewed on a -four yearly basis.

The Chief Executive Officer will report to Council on the outcome of the evaluation and if relevant make recommendations for amendments, alteration or substitution of a new Policy.

The Policy will not be altered or substituted so as to affect a process already commenced.

6. FURTHER INFORMATION

Further information about this Policy can be obtained by:

Telephone: 8522 9211

Email: council@gawler.sa.gov.au

Appointment: Town of Gawler Administration Centre, 43 High Street, Gawler East.

Letter: PO Box 130, Gawler SA 5118

7. AVAILABILITY OF POLICY

The Policy from Council's website at www.gawler.sa.gov.au.

A printed copy may be purchased on request from the Council's Administration Centre.