



## Safe Environment Policy

<b>Classification:</b>	Council Policy
<b>Version Number:</b>	1
<b>Review Frequency:</b>	Once in the Term of Council
<b>Last Reviewed:</b>	March 2021
<b>Review Due:</b>	March 2024
<b>Responsible Officer:</b>	<ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Manager Corporate and Community Services (Safe Environment Contact Officer)</li> </ul>
<b>Applicable Legislation/Guidelines:</b>	<ul style="list-style-type: none"> <li>• Children and Young People (Safety) Act 2017</li> <li>• Children and Young People (Safety) Regulations 2017</li> <li>• Child Safety (Prohibited Persons) Act 2016</li> <li>• Child Safety (Prohibited Persons) Regulations 2016</li> <li>• Disability Services Act 1993 (Cth)</li> <li>• Child Safe Environments – Principles of Good Practice (Department of Human Services)</li> </ul>
<b>Related Policies/Procedures:</b>	<ul style="list-style-type: none"> <li>• LGA of SA Child Safe Environments Guidelines November 2020</li> <li>• Risk Management Policy</li> <li>• Volunteer Policy</li> </ul>

**1. PURPOSE:**

- 1.1 Kingston District Council is committed to the safety and wellbeing of children, young, elderly and other vulnerable people who access our services, facilities, events and activities. Council supports the rights of children and vulnerable people in the community and will act without hesitation to ensure a safe environment is maintained at all times. Council also supports the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for young people and other vulnerable people.
- 1.2 This Policy aims to ensure the Council organisation and facilities are safe environments for children and vulnerable people and that they are protected from abuse and neglect. This Policy also aims to ensure that all relevant Council employees, volunteers, contractors and consultants are aware of their duty of care and responsibilities for the protection, safety and wellbeing of children and the vulnerable at all times.

**2. LEGISLATIVE CONTEXT:**

- 2.1 The Children and Young People (Safety) Act 2017 ("the Safety Act"), places a legal obligation on Councils to ensure all children are safe from harm.
- 2.2 Section 114(1) of the Safety Act requires Councils to have in place policies and procedures to ensure:
  - child safe environments 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.
- 2.3 The policies and procedures must comply with the Principles of Good Governance issued by the Chief Executive of the Department of Human Services as varied from time to time.
- 2.4 Section 31(1) of the Safety Act prescribes mandated notifiers as any Council employee, contractor, volunteer, education, sporting or recreation, child care or residential services wholly or partly responsible 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.

**3. SCOPE:**

- 3.1 This Policy applies to the Mayor, Elected Members, employees, volunteers, contractors and consultants to ensure they are aware of their duty of care for the protection, safety and wellbeing of children, young people and other vulnerable people at all times.
- 3.2 This Policy applies to all Council services which apply, wholly or partly, to children or vulnerable people, including but not limited to:

- School holiday programs
- Council initiated Library programs, events and activities
- Volunteer programs
- Volunteer week events/activities
- Mayoral Christmas Parade
- Seniors Week Activities/Awards
- Council initiated community events.

#### 4. DEFINITIONS:

<i>Child or young person</i>	means a person under the age of 18
<i>Harm</i>	Includes physical and psychological harm caused by sexual, physical, mental or emotional abuse caused by neglect.
<i>Mandated Notifier</i>	Any person directly involved in the delivery of services wholly or partly for children or holds a management position, the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children.
<i>Prescribed position</i>	<p>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:</p> <ul style="list-style-type: none"> <li>• provide a service or undertake an activity that is child-related work in the course of their employment;</li> <li>• carry on a business in which an employee works with children (whether or not the person works with children); or</li> <li>• are employed to provide preschool, primary or secondary education to a child (whether or not the person is a registered teacher).</li> </ul> <p>Prescribed positions may be held by employees, volunteers, persons undertaking educational/vocational training or Elected Members.</p>
<i>Vulnerable People</i>	Means those who may be at risk of abuse or exploitation due to their dependence on others or experiences or disadvantage, and could include people with a disability, the frail aged, people from culturally and linguistically diverse backgrounds, refugees and those living in poverty.

#### 5. POLICY PRINCIPLES:

Council is committed to ensuring the organisation and Council facilities are safe environments for children and vulnerable people. The following standards reflect the guidance provided by the Department of Human Services (DHS) on appropriate standards of conduct for adults 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.

Risk management strategies will vary in scope and detail depending on the type of activity or services provided and the age and maturity of the children/persons accessing the activity or services.

5.2 Codes of Conduct

All employees, volunteers, contractors, Mayor, Elected Members and consultants will be required to comply with any code of conduct endorsed by Council which sets out standards of conduct when providing services to children.

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 vulnerable people.

Applicants for positions which include a requirement to work with children or vulnerable persons will be screened for their suitability to provide services. Screening will involve working with children checks, checking qualifications, referee checks and previous employment history in working with children.

Council will ensure that all staff and volunteers who work with children or vulnerable people have ongoing support and training to maintain a child safe environment.

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 Suspected Abuse or 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. SAFE ENVIRONMENT CONTACT OFFICER:**

6.1 A Safe Environment Contact Officer will be appointed to assist mandatory notifiers on how to report and respond to allegations of suspected abuse or neglect.

6.2 The Safe Environment Contact Officer will be the Manager of Corporate and Community Services (or delegate).

**7. RESPONSIBILITIES:**

7.1 The Council is responsible for:

- adoption of a Safe Environment Policy.
- promoting protection of children and other vulnerable people from harm.

- 7.2 The Chief Executive Officer is responsible for:
- 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 legislation are brought to the attention of the Council in a timely manner.
- 7.3 Managers are accountable to the Chief Executive Officer for:
- Recruitment and selection in accordance with Council's human resources policies and procedures and requirements for working with children.
  - Effective implementation of this 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 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 employees and responding to enquiries regarding suspicions of abuse or related issues, maintaining appropriate records and ensuring records are securely stored.
  - Maintaining confidentially and fully cooperating with the Department for Child Protection, SA Police and other relevant agencies in their investigation of suspected abuse.
- 7.4 The Mayor, Elected Members, employees, volunteers, contractors and consultants are responsible for:
- Complying with this Policy and providing a safe environment for children and other vulnerable people.
  - Reporting any suspicion of abuse of a child or vulnerable person.
- 7.5 The Safe Environment Contact Officer is responsible for:
- Providing support and assistance to employees with mandatory reporting responsibilities and being a point of contact for employees in general regarding any matters relating to potential abuse of children or other vulnerable people.
- 7.6 Third party responsibility:
- An appropriate a clause shall be included in contracts, leases, permits and hire agreements, stipulating the requirement for compliance with child safety and other applicable legislation.

## **8. AVAILABILITY OF THE POLICY:**

- 8.1 This policy will be available for inspection at the Council's principal office, 29 Holland Street Kingston SE and on Council's website: [www.kingstondc.sa.gov.au](http://www.kingstondc.sa.gov.au). Copies will also be provided to interested members of the community upon request, and upon such payment of the fee set by Council.

APPENDIX 1



## WORKING WITH CHILDREN & VULNERABLE PEOPLE CODE OF CONDUCT

**NOTE:** This Code of Conduct has been drafted in accordance with section 114 of the South Australian's Children and Young People (Safety) Act 2017 and Council's Safe Environment Policy.

Council is committed to ensuring that children and young people are treated with sensitivity, respect, fairness and dignity within a welcoming and supportive environment that is free from all types of abuse and inappropriate behaviour.

All employees, volunteers, contractors, consultants and any other persons engaged to provide any service wholly or partly to children on behalf of Council are required to comply with this Code of Conduct, as well as children, young people, parents and carers who access Council services.

The standards in this Code of Conduct are consistent with those established by Department for Child Development and international human rights principles as enshrined within the United Nations Convention on the Rights of the Child.

This Code of Conduct does not cover every situation – however, the values, ethics and standards it sets are a reference point to help make decisions relating to situations not referred to in this Code of Conduct. It sets out the minimum standards of behaviour expected during any interactions with children and young people in accessing Council services.

Council's Child Safe Officer can be contacted for further information relating to the application of this Code of Conduct or the Safe Environment Policy.

### Supportive Behaviours

Staff, volunteers and those who access Council services must at all times:

- Treat children and young people with dignity, respect, sensitivity, fairness and equity
- Ensure children and young people are protected from any form of harm or discrimination
- Ensure the environment is safe for children and young people – this includes protection from violence, bullying, teasing, threatening and sexist or racist remarks.

Role model positive behaviours, for example:

- Encourage children and young people to participate in decision making processes;
- Give constructive feedback to children and young people; and
- Ensure children and young people are aware of their rights, including their rights to respect, fairness and safety.

Staff and volunteers must be aware of their mandatory notification responsibilities and inform the Child Abuse Report Line (13 14 78) or report online at <https://www.childprotection.sa.gov.au/reporting-child-abuse> if they form a suspicion of abuse or neglect; or discuss their concern with their Team Leader or Manager; and where relevant, explain the commitment to maintaining confidentiality including situations that would require the sharing of information, for example mandatory notification responsibilities.

### Safe and Protective Work Practices

Staff and volunteers must adopt safe and protective work practices. Staff and volunteers must be aware of potential situations and actions when working with children or young people that may be misinterpreted or misconstrued, and adopt safe work practices. For example:

- where possible work in an open and visible environment when with children and young people;
- dress appropriately – for staff and volunteers, in accordance with Council's Uniform Policy;
- secure parental/guardian consent for excursions or to obtain medical treatment for children and young people under 18 years if the need arises;
- adopt a calm and non-judgmental attitude to allow young people to feel safe to raise complaints or concerns; and
- where necessary, explain grievance procedures and avenues for complaint in simple and clear language that is appropriate to the age of the child or young person.

Unacceptable Behaviours include the following:

- Any form of discrimination against a child or young person on the basis of ethnicity, culture, religion, gender, sexuality or on any other grounds.
- Hitting or physically assaulting a child or young person.
- Using language that is offensive, abusive or otherwise inappropriate.
- Showing preferential treatment to one child or young person over others.
- Shout, yell or speak to a child or young person in an angry, intimidating or threatening manner.
- Engaging in rough physical play with children or young people.
- Unnecessary physical contact with children or young people. For example, giving a child or young person a hug may be culturally inappropriate or it may be frightening or offensive to the child or young person.
- Condone or participate in illegal or unsafe behaviours when working with children or young people.
- Make inappropriate self-disclosures relating to any participation (past or present) in illegal or unsafe behaviours. For example, past drug use should not be disclosed to or discussed with children or young people.
- Initiating or engaging in 'friendship' relationships with a child or young person. For example, it is not OK to make arrangements to socialise outside the work environment. Remember, children and young people are clients not friends.
- Taking children or young people to your home or on outings that do not fall within professional duties or that have not been authorised by parents or guardians
- Acting in a manner that is sexually inappropriate – this includes verbal, physical and implied behaviours.
- Initiating or developing a physical/sexual 'relationship' with a child or young person.
- Initiating or developing any relationship that could be deemed as exploitative or abusive with a child or young person.
- Failure to report disclosures of abuse or suspicions of abuse to the relevant supervisor and/or Families SA Child Abuse Report Line.

Breaches of Policy / Disciplinary Action

All staff and volunteers have a responsibility for promoting and supporting these values and standards of behaviour. Where a staff member or volunteer is found to have acted outside of this Code of Conduct, they will be subject to disciplinary action commensurate with the seriousness of their actions. This disciplinary action may take the form of a warning, counselling or termination of their employment.

Reporting – if you have a concern

The Mayor, Elected Members, employees, contractors, volunteers and those accessing Council services have a role in supporting this Code of Conduct by raising their concerns with the relevant Manager or Chief Executive Officer. Any questions of compliance raised by Council Members, other staff or the community regarding the Code will be considered by the relevant Manager or the Chief Executive Officer. If you have any difficulties or questions regarding this Code of Conduct, you should discuss these with the Manager, CEO or Safe Environment Contact Officer, Heather Schinckel on 0418 672 085.