

# District Council of Elliston Policy



## Governance

### E002 Safe Environment for Children

Signature	
Policy Issued & Effective from	15 August 2023
Date of Last Review	
Version No.	1
Next Review Date	November 2027
Person responsible for maintaining	Chief Executive Officer

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# District Council of Elliston Policy

## E002 Safe Environment for Children Policy

### 1. Introduction

The District Council of Elliston (**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.

### 2. Scope

The *Children and Young People (Safety) Act 2017* (SA) (the **Safety Act**) requires Councils to ensure that safe environments for children and young people are established and maintained.

This Policy:

- aims to ensure the Council as an organisation and Council owned facilities are safe environments for children, young people and other vulnerable people and that they are protected from harm or risk of harm;
- applies to Council Elected Members, employees, volunteers, contractors and consultants and any other persons involved in the delivery of Council services and programs to children, young people and other vulnerable people and aims to ensure they are aware of their duty of care responsibilities for the protection, safety and wellbeing of children at all times; and
- will be communicated 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.

### 3. Legal Obligations

#### 3.1 *Child Safe Environments*

Section 114(1) of the Safety Act specifically requires Councils and subsidiaries to have policies and procedures in place to ensure:

- child safe environments for children and young people are established and maintained within the organisation; and
- mandatory reporting obligations (as set in Chapter 5, Part 1 of the Safety Act) are complied with

The policies and procedures must comply with the National Principles for Child Safe Organisations and will be varied to meet legislative requirements.

#### 3.2 *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, childcare 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 services to children.

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Mandated notifiers must report any suspicion of harm or risk of harm to a child or young person to the Child Abuse Report Line (**CARL**) (telephone 24 hours a day, 7 days a week on 13 14 78) or online at eCARL <https://www.childprotection.sa.gov.au/reporting-child-abuse/report-child-abuse-or-neglect>. Serious concerns must be reported via the CARL and not online.

#### 4. Definitions

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

**Harm** includes physical and psychological harm caused by sexual, physical, mental or emotional harm caused by neglect.

**Mandatory Reporting Obligations** means a mandated notifier (a person providing services wholly or partly for children or young people or who holds a management position and duties of which include direct responsibility for, or supervision of, the provision of those services to children and young people) must report any suspicion of harm or risk of harm to a child or young person to the CARL or eCARL.

**Prescribed position** is a position where a person works with children or is in 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.

#### 5. Our Commitment

Council is committed to ensuring the organisation and Council facilities are safe environments for children, young people and other vulnerable people. This policy articulates an overarching set of principles at the centre of which is that all children and vulnerable persons have the right to feel safe and protected when accessing local government services and events or when local government representatives are engaging with them. The following standards reflect the National Principles for Child Safe Organisations.

##### ***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.

##### ***Working with Children/Child Safe Code of Conduct***

Council has adopted a Working with Children/Child Safe Code of Conduct which provides the framework for behavioural expectations when working with children and young people.

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This code applies to all staff, elected members, volunteers, children, young people, parents and carers who access Council services and is available as an appendix to this policy. Breaches of the Working with Children/Child Safe Code of Conduct and the Safe Environment for Children Policy will be dealt with via the disciplinary processes identified in Council's Workforce Management Policy, Code of Conduct for Employees, Complaint Handling and Code of Conduct for Elected Members.

#### ***Recruitment, Selection, Training & Support***

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.

Applicants for prescribed positions will be screened for their suitability to provide services. Screening will involve Working With Children Checks (**WWCC**), interviews, referee reports, checking qualifications and previous employment history in working with children and young people.

All Council staff and volunteers involved in child-related work are required to hold a current non-prohibited WWCC. Council will also ensure that all staff and volunteers who work with children and young people or who have access to their personal records have ongoing support and training to develop, enhance and maintain a child safe environment.

#### ***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 their mandatory reporting obligations and are trained and appropriately supported to report any suspicion of harm or risk of harm on reasonable grounds.

As part of Council's induction process, staff and volunteers will be provided with a copy of this policy. Additionally, staff and volunteers who work with children and young people will also be provided with a link to the Mandatory Notification Booklet provided by DHS.

Mandated notifiers are required to attend an appropriate training course every three years.

As part of Council's broad duty of care towards the safety and wellbeing of children, young and vulnerable people, all staff and volunteers are encouraged to notify the CARL when they suspect, on reasonable grounds, that a child has been or is being harmed or is at risk of harm.

More information on specific roles and correlating responsibilities relative to responding to harm or risk of harm can be located under Section 6 of this policy.

#### ***Records Management***

A central log will be maintained in the Council's records management system which contains a record of incidents reported with date, notifier, name of child or vulnerable person, with a few key words to aid recollection of the incident.

All records will be stored securely and confidentially with access limited to authorised staff and adherence to Council's Privacy Policy will be observed at all times. Breaches of confidentiality or misuse of the records will be considered serious misconduct and may result in disciplinary actions, including summary dismissal.

#### ***Involvement in Decision Making***

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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.

#### ***Reporting and Responding to Complaints or Feedback***

Council is committed to the provision of quality service and regards complaints and feedback as an opportunity to improve practices and procedures as well as to resolve the matter. Council's Complaints Handling Policy, available on Council's website, sets out how Council will deal with complaints and feedback.

## **6. Roles and Responsibilities**

### ***6.1. Council and Council Members***

Council is responsible for development of this policy and in conjunction with the Chief Executive Officer (CEO) and/or his or her delegates (where appropriate):

- Responding promptly to the CEO or other sources concerning significant changes to relevant legislation and regulations; and
- Regularly reviewing the effectiveness of this policy.

Council Members have individual responsibility for appropriate behaviour towards children and young people and for compliance with this policy.

### ***6.2. Chief Executive Officer***

The CEO is accountable to Council and is responsible as follows:

- Ensuring the policy is implemented, monitored and evaluated;
- Being aware of mandatory reporting requirements, procedures and associated legal responsibilities; and
- Ensuring significant changes to relevant legislation are brought to the attention of Council in a timely manner.

### ***6.3. Senior Managers and Supervisors***

Senior Managers and Supervisors are accountable to the CEO as follows:

- Ensuring recruitment and selection is undertaken in accordance with Council's Workforce Management Policy and associated procedures and requirements for working with children and young people;
- Ensuring effective implementation of the policy, procedures and safe workplace practices;
- Being aware and promoting appropriate induction and ongoing training as required in relation to Safe Environment for Children Policy;
- Establishing and maintaining supportive procedures for fulfilling mandatory notification requirements and ensure mandated notifiers understand their legal responsibilities;
- Reporting any reasonable suspicion of harm they have towards a child or young person to the CARL (note that it is the mandated notifier's responsibility to report their suspicion, not their supervisor or manager);
- Supporting staff and responding to enquiries regarding suspicions of harm or related issues, maintaining appropriate records and ensuring records are securely stored; and

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- Maintaining confidentiality and fully cooperating with the Department for Child Protection (DCP), the South Australian Police (SAPOL) and other relevant government agencies in their investigations of suspected harm of a child, young person or other vulnerable person if required.

#### **6.4. Mandated Notifiers**

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.

#### **Methods of Reporting**

Mandatory notifiers can make a notification by:

- Making a telephone notification via Child Abuse Report Line (CARL) 13 14 78; or
- Making an online notification via eCARL:  
<https://www.childprotection.sa.gov.au/reporting-child-abuse/report-child-abuse-or-neglect>

***All serious concerns must be reported via CARL on 13 14 78***

***If a child is at immediate risk call 000***

The Department for Child Protection’s Mandatory Notification Information Booklet and the Mandatory Report Guide provides guidance to mandatory reporters when they are concerned that a child or young person is, or may be at risk and must decide whether or not to report their concerns to the Department via CARL. This Guide is structured with reference to the Safety Act, glossary, decision trees and definitions. Included within the Mandatory Reporting Guide is a checklist which provides detail on the information that must be gathered prior to submitting a notification.

#### **6.5. All Other Council staff, volunteers, contractors and consultants**

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, though 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 Senior Manager who will, in consultation with the CEO, determine the appropriate action to be taken and where appropriate, report to the relevant Government authorities.

#### **6.6. Third Party Responsibility**

Council will include a clause in contracts of engagement, leases and relevant hire and grant funding agreements, where applicable, stipulating the requirement for compliance with this policy. Under the Safety Act legislation, all organisations who provide services to children and young people are required to complete a child safe compliance process with the Department of Human Services.

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#### **7. Breaches of the Policy**

All staff, volunteers, elected members, contractors and consultants have a responsibility for promoting and supporting the values and standards of behaviour identified in the Safe Environment for Children Policy and other relevant policies and documents such as the Elected Member Code of Conduct, Complaint Handling Policy, Employee Code of Conduct, Workforce Management Policy and relevant contracts or agreements.

Non-compliance will be treated seriously by Council and breaches may lead to disciplinary action up to and including termination of employment or cancellation of Contract or Agreement. Where the activities potentially represent criminal activity, these matters may be referred to SAPOL for investigation.

#### **8. 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)
- Child Safety (Prohibited Persons) Regulations 2019 (SA)
- National Principles for Child Safe Organisations
- EXXX: Workforce Management Policy
- Code of Conduct
- Elected Member Code of Conduct
- Complaints Handling Policy
- EXXX: Privacy Policy
- Child Safe Code of Conduct

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<b>DOCUMENT HISTORY</b>				
<b>Version</b>	<b>Changes since last version</b>	<b>Approved by</b>	<b>Record No</b>	<b>Issue Date</b>
1	Original			



# District Council of Elliston Policy

## E002 Safe Environment for Children Policy

### APPENDIX 1: WORKING WITH CHILDREN/CHILD SAFE CODE OF CONDUCT

#### 1. Introduction

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 harm, risk of harm and inappropriate behaviour.

This Code of Conduct has been drafted in accordance with Section 114 of the Children and Young People (Safety) Act 2017 (SA) and District Council of Elliston's Safe Environment for Children Policy.

#### 2. Scope

All elected members, 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 the Department of Human Services 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.

#### 3. Supportive Behaviours

Staff, contractors, consultants, volunteers, elected members 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, risk of harm or discrimination; and
- 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, contractors, consultants, volunteers and elected members with mandatory notification responsibilities must be aware of their duty to report to the Child Abuse Report Line (13 14 78) if they form a suspicion that a child or young person is at risk.

#### 4. Safe and Protective Work Practices

Staff and volunteers must adopt safe and protective work practices.

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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;
- adopt a calm and non-judgmental attitude to allow young people to feel safe to raise complaints and concerns; and
- where necessary, explain grievances procedures and avenues for complaint in simple and clear language that is appropriate to the age of the child or young person.

Unacceptable Behaviours includes the following:

- any form of discrimination against a child or young person based on 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 appropriate to make arrangements to socialise outside the work environment;
- 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 or perceived as exploitative or abusive with a child or young person; and
- failure to report disclosures or suspicions of harm or risk of harm to the Child Abuse Report Line (CARL) on 13 14 78.

#### 5. Breaches of Code of Conduct/Disciplinary Action

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All staff and volunteers, contractors, consultants, elected members and those accessing Council services have a responsibility for promoting and supporting these values and standards of behaviour.

Where a staff member, volunteer, contractor, consultant or elected member is found to have acted outside of this Child Safe Code of Conduct, they will be subject to disciplinary action commensurate with the seriousness of their actions.

Non-compliance will be treated seriously by Council and breaches may lead to disciplinary action up to and including termination of employment, cancellation of Contract or Agreement or withdrawal from or banning use of Council Service or facility. Where the activities potentially represent criminal activity, these matters may be referred to SAPOL for investigation.

#### **6. Reporting**

All staff, contractors, consultants, volunteers, elected members and those accessing Council services have a role in supporting this Code of Conduct by raising their concerns with the relevant Senior Manager. Any questions of compliance raised by Elected Members or the community regarding the Code will be considered by the relevant Senior Manager or CEO.

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