

Children and Vulnerable Person's Safety Policy

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Responsible Officer(s):	<i>Human Resources and Risk Manager</i>
Council File Reference:	
Applicable Legislation:	<i>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) DHS Principles of Good Practice</i>
Relevant Policies:	<i>Code of Conduct – Employees Code of Conduct – Elected Members WHS001/01 WHS and RTW Policy Volunteer Management Policy</i>
Related Procedures:	<i>Children and Vulnerable Person's Safety Reporting Procedure</i>
Delegations:	<i>Chief Executive Officer</i>

PURPOSE

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 persons.

In addition to the moral obligation to address any harm to children, amendments to the *Child and Young People (Safety) Act 2017 (SA)* (*the Safety Act*) places a legal obligation on Councils (and all other organisations providing a service wholly or partly to children) to ensure all children are safe from harm.

SCOPE

Berri Barmera Council delivers a varied range of services and functions which can bring Elected Members, employees and volunteers into contact with children and vulnerable persons. This could be either as a main part of their role or indirectly when they are carrying out their work. Council recognises we all have a responsibility to protect children and vulnerable persons. Children and vulnerable persons have the right to be safe, happy and healthy and deserve protection from harm. Council is committed to respectfully safeguarding children and vulnerable persons who access services and are involved in any of its activities with Council.

This policy aims to ensure the Council organisation and facilities are safe environments for child, young people and vulnerable persons 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 and other vulnerable persons at all times.

LEGAL OBLIGATIONS

Child Safe Environments

Section 114(1) of the Safety Act requires Council and subsidiaries to have in place policies and procedures for ensuring:

- child safe environments for children and young people 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.

The policies and procedures must comply with the Principles for Good Practice issued by the Chief Executive of Department of Human Services as varied from time to time.

Mandatory Reporting

Section 31(1) 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 recreation, child care 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 those services to children and young people; and

Mandated notifiers also include an officer or employee of a Council or subsidiary who holds a management position, the duties of which include direct responsibility for, or direct supervision of, the provision of services to children.

Mandated notifiers must report any suspicion of abuse or neglect of a child to the Child Abuse Report Line (telephone 24 hours a day, 7 days a week on 13 14 78) or online at <https://my.families.sa.gov.au/IDMProv/landing.html>

DEFINITIONS

Definitions for the purpose of this Policy are:

Children	Refers to a person under 18 years of age
Criminal History Screening	Refers to the process where a report is obtained from the Commission of Police or another prescribed source regarding the criminal history of a person that is 16 years or over for the purposes of determining whether that person is suitable to work with children.
Prescribed position	<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">- 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). <p>Prescribed positions may be held by employees, volunteers, contractors, persons undertaking education / vocational training or elected members.</p>
Vulnerable People	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 a disability, the frail aged, children, people from culturally and linguistically diverse backgrounds, refugees, people who experience social isolation and those living in poverty.

PRINCIPLES

The following principles underpin this policy:

- Abuse is abhorrent, illegal and must not be tolerated or ignored;

- Children and vulnerable people deserve respect, care and protection of their human rights regardless of special needs, cultural or socioeconomic factors;
- Children and vulnerable people should know that they have the right to be safe from abuse at all times;
- Children and vulnerable people are entitled to the support of a responsible person if they experience or are at risk of harm; and
- Council has a role to play in fostering a safe local environment and in contributing towards the protection of children and vulnerable people from harm.

POLICY OBJECTIVES

One of Council's paramount considerations in delivering services and programs is to foster the safety of children and other vulnerable people. Council is committed in supporting the safety of children and other vulnerable people and will undertake the following to manage its obligations under this policy:

- Take all reasonable steps to ensure the most suitable and appropriate people are engaged 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 may involve interviews, referee reports, checking qualifications and previous employment history in working with children and obtaining criminal history reports.
- Employees employed in a prescribed position will undergo a criminal history screening not less than once every three years.
- Identifying prescribed positions will involve consideration of the nature of the service provided (proximity or intimacy), the frequency (incidental contact, regular and/or on-going contact), and the vulnerability of the child or other vulnerable person in the service provision context. A list of prescribed positions will be maintained.
- Increase awareness within the organisation about providing an environment where children and vulnerable people are safe and protected from abuse.
- Obtain appropriate and suitable evidence when supervision is provided by service providers, facilitators and other persons who are employed or contracted by Council to work with or supervise children and vulnerable people (e.g., for school holiday programs, etc).
- Training requirements of all Elected Members, employees and volunteers will be identified and provided in accordance with regulatory requirements and their contact with children and vulnerable persons.
- Maintain supportive and responsive procedures for fulfilling mandatory reporting obligations, where relevant, and dealing with complaints and issues effectively as they arise.
- Take appropriate security measures for the collection and maintenance of appropriate records related to children and vulnerable persons during delivery of services and programs.

- Develop, monitor, evaluate and review risk management strategies and procedures to minimise harm to children and other vulnerable people.

RESPONSIBILITIES

The Council will:

- promote the protection of children and other vulnerable people from abuse.

The Chief Executive Officer will:

- ensure the Policy is implemented, monitored, reported on and evaluated
- awareness of mandatory reporting requirements, procedures and associated legal responsibilities
- ensure significant changes to relevant legislation are brought to the attention of Council in a timely manner

Departmental Managers are responsible to:

- recruitment and selection in accordance with Council policies, 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 practices
- awareness and promotion of acceptable behaviours when dealing with children and other vulnerable people
- provide appropriate induction and ongoing training and support as required
- establish and maintain supportive procedures for fulfilling mandatory notification requirements and ensure mandated notifiers understand their legal responsibilities
- report any reasonable suspicion of abuse in accordance with Council's Children and Vulnerable Person's Safety Reporting Procedure including maintaining appropriate records
- maintain confidentiality and fully cooperate with the Department for Child Protection, the South Australian Police and other relevant government agencies in their investigations of suspected abuse of a child or other vulnerable person if required

All Employees and Volunteers will:

- follow the policy, procedures and guidelines for providing a safe environment for children and other vulnerable people
- report any reasonable suspicion of abuse of a child or vulnerable person in accordance with Council's Children and Vulnerable Person's Safety Reporting Procedure.

REVIEW

The effectiveness of this Policy will be reviewed annually. The Chief Executive Officer will report to Council on the outcome of the review and make recommendations for amendment, alteration or a substitution of a new Policy if considered necessary.

AVAILABILITY OF THE POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and at Council's website www.berribarmera.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

Non-English translation of this procedure can be made available if required.

Electronic version on the Intranet is the controlled version.

Printed copies are considered uncontrolled.

Before using a printed copy, verify that is the current version.