



HR030 SAFE ENVIRONMENT POLICY

Policy Type:	Administration Policy
Reference Number:	HR030
Responsible Department:	Business Support and Improvement
Responsible Officer:	Manager People and Culture
Related Policies and Procedures	<p>Criminal History Check Policy;</p> <p>Code of Conduct for Council Employees;</p> <p>Fair Treatment and Equal Employment Opportunity (EEO) Policy;</p> <p>Recruitment and Selection Policy;</p> <p>Counselling and Discipline Policy.</p>
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1. POLICY STATEMENT

The City of Unley is committed to the safety and wellbeing of children, young, elderly, and other vulnerable people who access our services, facilities, events, and activities. This policy aims to ensure that all employees and volunteers are aware of their duty of care responsibilities for the protection, safety and wellbeing of children, young, elderly, and other vulnerable people.

2. PRINCIPLES

All children, young, elderly, and other vulnerable people who use the City of Unley's services and facilities have a right to do so within a safe and respectful environment.

The City of Unley will identify and assess potential sources of harm and risk of harm for children, young, elderly, and other vulnerable people and, wherever reasonably practical, take action to decrease the likelihood that harm will occur to any child, young, elderly, or vulnerable person using services provided by the City of Unley.

The City of Unley will ensure that all persons delivering services to children, young, elderly, and other vulnerable people are made aware of the responsibilities contained in this policy.

3. POLICY OBJECTIVES

This policy aims to provide a safe environment for children, young, elderly, and other vulnerable people who receive services from the City of Unley, and to ensure that any suspected harm, or risk of harm to children, young, elderly, and other vulnerable people is reported.

4. DEFINITIONS

Child or Young Person refers to a person under the age of 18.

Harm will be taken to be a reference to physical harm or psychological harm (whether caused by an act or omission) and 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 circumstances of life.

Disability services employment screening means undertaking an assessment of information about a person for the purpose of determining whether the person may, if appointed to, or engaged to act in, a position, pose a risk to the safety or welfare of people with a disability.

At Risk will be taken to mean:

- a) the child or young person has suffered harm (being harm of a kind against which a child or young person is ordinarily protected); or

- b) there is a likelihood that the child or young person will suffer harm (being harm of a kind against which a child or young person is ordinarily protected); or
- c) there is a likelihood that the child or young person will be removed from the State (whether by their parent or guardian or by some other person) for the purpose of—
 - i. being subjected to a medical or other procedure that would be unlawful if performed in this State (including, to avoid doubt, female genital mutilation); or
 - ii. taking part in a marriage ceremony (however described) that would be a void marriage, or would otherwise be an invalid marriage, under the Marriage Act 1961 of the Commonwealth; or
 - iii. enabling the child or young person to take part in an activity, or an action to be taken in respect of the child or young person, that would, if it occurred in this State, constitute an offence against the Criminal Law Consolidation Act 1935 or the Criminal Code of the Commonwealth; or
- d) the parents or guardians of the child or young person—
 - i. are unable or unwilling to care for the child or young person; or
 - ii. have abandoned the child or young person, or cannot, after reasonable inquiry, be found; or
 - iii. are dead; or
- e) the child or young person is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence; or
- f) the child or young person is of no fixed address; or
- g) any other circumstances of a kind prescribed by the regulations exist in relation to the child or young person.

Safe Environment Contact Officers are employees of the City of Unley who act as the point of contact for internal enquiries relating to the risk of harm and actual harm of children, young, elderly, or vulnerable people. However Mandated reporters must meet their legal obligations to report first if they identify the harm or risk of harm. It is not the responsibility of another staff member to determine if it is a reportable matter.

Screening involves obtaining information about relevant potential employees, volunteers, contractors, or consultants on the basis that the information is deemed relevant to be working wholly or partly in providing services within a child or vulnerable person 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.

Reporting obligations - Staff as described in Section 30 of the Children and Young People (Safety) Act 2017 (SA) are required to notify the Department of Child Protection 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.

Note: Staff are encouraged to seek advice and support from their supervisor and manager or Safe Environment Contact Officer in relation to suspicions of child, young, elderly, or vulnerable person harm, risk of harm, abuse, or neglect. This practice will ensure staff and volunteers are appropriately supported, records are kept correctly, confidentially, and securely, and any organisation responsibilities in addition to the mandatory reporting obligation are pursued where relevant.

A prescribed position (In accordance with the Children and Young People (Safety) Act is:

- a) A position in which a person works, or is likely to work, with children; or
- b) Any other position, or a position of a class, prescribed by the regulations.

Disability services means services provided, whether wholly or partially, for persons with disabilities or their carers' and, without limiting the generality of the expression, includes—

- a) accommodation services;
- b) home care and family support services;
- c) independent living training services;
- d) information services;
- e) print disability services;
- f) recreation services;
- g) respite care services;
- h) education or training services;
- i) advocacy services;
- j) therapy services;
- k) equipment services;
- l) counselling or support services;
- m) transport services

Prescribed disability service provider means a provider of disability services that—

- a) is a government department, agency or instrumentality; or
- b) is funded under this Disability Services Act;

Vulnerable people refers to people who may be at risk of abuse or exploitation due to their dependency on others. This includes all children, people with a disability, the frail aged and people from culturally and linguistically diverse backgrounds.

Working with children check (WWCC) means a working with children check under the *Child Safety (Prohibited Persons) Act 2016*

5. ROLES AND RESPONSIBILITIES

Council is responsible for development of the *Safe Environment Policy* and in conjunction with the Chief Executive Officer for:

- promoting the protection of children, young people, elderly and other vulnerable people from harm, risk of harm and abuse
- responding promptly to advice received from the Chief Executive Officer or other sources concerning significant changes to relevant legislation and regulations
- regularly reviewing the effectiveness of the policy and relodging a child safe compliance statement after the policy has been reviewed.

The **Chief Executive Officer** is accountable to Council and responsible as follows.

- Ensuring the Safe Environment Policy is implemented, and reviewed as required
- Being aware of the reporting requirements, Procedures, and associated legal responsibilities
- Ensuring significant changes to relevant legislation are brought to the attention of Council in a timely manner.

Managers and supervisors (paid and voluntary) are accountable to the Chief Executive Officer as follows:

- Recruitment and selection in accordance with Council's People and Culture Policies and Procedures and requirements for working with children or aged/vulnerable people screening of existing employees and preferred applicants for prescribed positions.
- Effective implementation of the Safe Environment Policy and Procedures, Safe Environment Code of Conduct and safe work place practices.
- Being aware of and promoting acceptable behaviour when providing services or working 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 ensure staff occupied prescribed positions understand their legal responsibilities.
- Reporting any reasonable suspicion of harm or risk of harm they have of a child to the Child Abuse Report Line (*Note: it is the the responsibility of staff to report their suspicion, not their supervisors or managers*).
- Supporting staff and responding to enquiries regarding suspicions of harm, risk of harm or abuse related issues, maintaining appropriate records and ensuring records are securely stored.
- Maintaining confidentiality and fully cooperating with the Department for Child Protection, the South Australian Police and other relevant

government agencies in their investigations of suspected harm or risk of harm of a child or other vulnerable person, if required.

- Report annually to the Chief Executive Officer on implementation, monitoring and review the Policy, Code of Conduct and relevant training, services, programs, and workplace practices.

Roles and Responsibilities for Other Council Staff, Volunteers, Contractors and Consultants (non-prescribed positions)

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, elderly and other vulnerable people, and for complying with the policy.

Staff are encouraged to seek advice and support from their supervisor and manager or Safe Environment Contact Officer in relation to suspicions of a child that has been or is being harmed or is at risk of harm. This practice does not replace a report to the CARL hotline but can assist staff and volunteers to be appropriately supported, ensure records are kept correctly, confidentially, and securely, and any organisational responsibilities in addition to the mandatory reporting obligation are pursued.

Council strongly encourages and will sensitively support any staff member, volunteer, contractor, or consultant who, though not holding a 'prescribed position', report any suspicion they have of incidents of harm or risk of harm of a child or other vulnerable person.

In these cases, incidents of harm or risk of harm of a child, young person, elderly, or other vulnerable person are to be reported to the relevant program manager who will, in consultation with the Safe Environment Contact Officer and the Chief Executive Officer, determine the appropriate action to be taken and where appropriate report to the relevant Government authorities.

Safe Environment Contact Officers

The Safe Environment Contact Officers are responsible for providing education support and assistance to employees with the required reporting responsibilities and being a point of contact for employees in general regarding any issues relating to potential harm of children or other vulnerable people. The Safe Environment Contact officers will form a Safe Environment Reference group.

Safe Environment Reference Group

The Safe Environment Reference Group will be established. The group consist of Safe Environment contact officers People and Culture representatives and Management representatives. The group will:

- act as a think tank and sounding board to consider and finalise policies and procedures.
- take an active role in the implementation of Safe Environment initiatives.

- act as a point of contact for Safe Environment queries within the City of Unley,
- monitor changes to relevant legislation.
- assists with education of employees on Safe Environment policies and procedures and promote Safe Environment initiatives.
- benchmark against external Safe Environment programs; and
- address ad hoc safe environment issues that may arise.

Third party responsibility

Council will include a clause in contracts, leases, and relevant hire agreements etc, stipulating the requirement for compliance with Council's *Safe Environment Policy* and *Safe Environment Code of Conduct*. This applies to organisations, sole traders, and partnerships.

Council will:

- sight and record the third-party provider's Working with Children Checks
- sight and record the third-party provider's evidence of completing a Child Safe Environment Compliance Statement
- disclose the Safe Environment Policy and Safe Environment Code of Conduct
- insert within the clause an obligation to comply with the Safe Environment Policy and Safe Environment Code of Conduct
- attach a copy of the Safe Environment Policy and Safe Environment Code of Conduct to the contract, lease or hire agreement, or provide access to an electronic version of the Policy and Code of Conduct
- reserve within the clause a right to update the Safe Environment Policy and Safe Environment Code of Conduct
- insert within the clause an obligation to notify Council of instances of non-compliance with the Safe Environment Policy and Safe Environment Code of Conduct if the third party meets the 'prescribed position' test, or involves cultural, entertainment and party events, requiring certification of a working with children and/or vulnerable person screening which does not exclude relevant party/parties from providing services to or working with children.

Council may seek legal advice in relation to any specific third-party arrangements, if relevant and required.

6. CODE OF CONDUCT – ADDITIONAL EXPECTATIONS FOR EMPLOYEES AND VOLUNTEERS

In addition to Council's Code of Conduct for Employees, and the Code of Conduct for Volunteers the following expectations are applicable to all employees and volunteers who have responsibilities relating to children and young people:

Employees and Volunteers will:

- a) Comply with this Policy and relevant procedures and take all reasonable steps to ensure the safety and protection of children and young people
- b) Act as a positive role model to children and young people.
- c) Set clear boundaries about appropriate behaviour between themselves and the children and young people accessing programs and services in our organisation.
- d) Listen and respond appropriately to the views and concerns of children and young people, as well as encouraging their say on issues important to them.
- e) Ensure another adult is always present or in sight when conducting one to one coaching, instruction or other activity
- f) Respond quickly, fairly and transparently to any serious complaints made by a child, young person or their parent/guardian
- g) Employees and volunteers must not:
 - (i) Develop any 'special' relationships with children and young people that could be seen as favouritism such as the offering of gifts or special treatment
 - (ii) Engage in rough physical games
 - (iii) Do things of a personal nature that a child or young person can do for themselves, such as toileting or changing clothes

Any Breach of this Code or the Behaviours outlined above will be managed in accordance with the Counselling and Discipline Policy

7. RECRUITMENT AND INDUCTION

The City of Unley will take all reasonable steps to ensure that it engages the most suitable and appropriate people who directly deliver services to children, young elderly, and other vulnerable people, either wholly or partly. Applicants for positions who directly work wholly or partly with children, young, elderly, or other vulnerable people will be screened for their suitability to undertake the work required. The City of Unley will undertake appropriate screening through the Department Human Services (DHS) Screening Unit, along with interviews, referee reports, checking of qualifications and previous employment history in working with children.

A current Department of Community and Social Inclusion clearance can be held until it expires then a WWCC from DHS must be obtained. The City of Unley will immediately contact the Department of Human Services Screening Unit when they become aware of information regarding any person involved with the organisation, including any serious criminal offence, child protection information, or disciplinary or misconduct information that may impact on their suitability for employment.

Positions covered by this policy will include, but will not necessarily be limited to, those positions who wholly or partly directly deliver services to the children, young, elderly, and other vulnerable people.

Relevant information relating to the requirement for mandatory reporting shall be incorporated within induction programs for all staff, volunteers, contractors, or consultants who directly provide services wholly or partly for children, young, elderly, or other vulnerable people.

The position description for all positions working directly, wholly, or partly, with children, young, elderly, and other vulnerable people shall include the responsibilities and obligations to act in accordance with the relevant requirements set out in this policy.

8. Reporting of Harm or Risk of Harm

Children and Young Person Safety Reporting

Under the Children and Young People (Safety) Act 2017, s30, persons nominated have a responsibility to report any suspicion of harm or risk of harm of children and young people. Any person who suspects on reasonable grounds that a child or young person is, or may be, at risk of harm is required to report that suspicion.

Staff, volunteers, contractors, or consultants (and their supervisors and/or managers), who directly provide services wholly or partly for children or young people under 18 years of age have a duty to ensure that children and young people be kept safe from harm.

Appropriate training will be provided to all staff who directly provide services wholly or partly to children or young people, with refresher training undertaken every three (3) years. Current training requirements will be met by participation in the "Safe Environments for Children and Young People – Through their Eyes" training or suitable alternative if standards change.

It is expected that all staff, volunteers, and relevant individuals will report any suspect situations or incidents where a child or young person may be at risk to the Department for Child Protection Child Abuse Report Line 131478 in the first instance. Staff may then contact the Safe Environment Contact Officer.

Making a report about suspected Harm or Risk of Harm

Under Section 30 of the Children and Young People (Safety) Act 2017, all staff, contractors, volunteers who wholly or partly provide direct health, welfare, education, sporting or recreational, childcare, or residential services to

children or young people on behalf of The City of Unley are required to report suspected harm or risk of harm to the Child Abuse Report Line (CARL), as soon as practicable after they form the suspicion.

It is an expectation of the City of Unley that an incumbent who holds a prescribed position must report any suspicion of harm or risk of harm of a child to the Department for Child Protection Child Abuse Report Line on 13 14 78. In all emergency situations, please also call 000.

In addition:

- There is a legal obligation to make a notification of suspected child harm or risk of harm to the Department for Child Protection if, on reasonable grounds, there is a belief that a child is being harmed or is at risk of harm.
- Reports must be made without delay.
- There is a requirement to make a report each time there appears to be any further grounds for this belief.
- There is no requirement of the reporting person to prove the harm has occurred.
- Reporting requirements under the *Children and Young People (Safety) Act 2017* take precedence over professional codes of practice where confidentiality or client privilege is claimed.

The person at the Child Abuse Report Line will ask for certain information including:

- Details - the child or young person's name, age, and address
- Indicators of harm – the reason for believing that the injury or behaviour is the result of harm, abuse, or neglect
- Reason for reporting – the reason why the call is being made now
- Safety assessment – assessment of immediate danger to the child or children
- Description – description of injury or behaviour observed
- Child's whereabouts – the current whereabouts of the child or young person
- Other services – knowledge of other services involved with the family
- Family information – if there are any other details about the family
- Cultural characteristics – any specific cultural or other details which will help to care for the child.

9. Vulnerable Person Abuse and/or Harm Reporting

Staff, volunteers, contractors, or consultants who directly provide services wholly or partly for other vulnerable people over the age of 18 years (disabled, elderly, socially isolated etc) will report any suspected abuse or risk of abuse to the Safe Environment Contact Officer.

While there is no mandatory requirement to report incidents, the organisation will report any abuse or suspected risk of abuse of vulnerable adults to the Adult Safeguarding Unit.

Making a report about suspected Vulnerable Person Abuse

The City of Unley has extended the definition of a prescribed position to include one that involves provision of service to the aged or other vulnerable people.

In considering the most effective response that will ensure a vulnerable person's safety and wellbeing, the person reporting will need to gather information and facts. Consultation with the Safe Environment Contact Officer to receive support and/or advice may be required. It would be prudent to:

- make written notes – record what is observed
- continue to monitor – record what is observed
- consult and/or request support with colleagues, supervisors and/or the Safe Environment Contact Officer
- develop action plans based on procedures.

Assistance may also be sought in helping the vulnerable person by engaging with other agencies, such as the police or community health services. In any emergency, please call 000.

Aged Care and Commonwealth Home Support Services

Where there are concerns of abuse or harm to the aged or vulnerable, calls can be made by anyone to [South Australian Elder Abuse Prevention Phone Line](tel:1800372310) on **1800 372 310** Monday to Friday. Trained staff will provide you with free, confidential, culturally sensitive advice. Email enquiries can be sent to stopelderabuse@agedrights.asn.au.

Disability Services

The National Disability Abuse and Neglect Hotline is a telephone service for reporting the abuse or neglect of people with disability. Phone the hotline on 1800 880 052 or TTY 1800 301 130 from 8.00 am to 8.00 pm every day.

10. Risk assessment

There is a commitment by the City of Unley to develop an appropriate risk management framework for dealing with children, young, elderly, and other vulnerable people. The risk management framework will take into consideration:

a) Program management

Council will observe basic safety and wellbeing considerations which are aimed at limiting the opportunities for abuse and/or harm, including:

- determining the number of leaders required for specific activities.
- providing opportunities for parental/carer participation.
- matching program activities to the physical and intellectual capabilities of participants; and

- recognising the risks that some activities afford for abuse and/or harm to children, young, elderly, and other vulnerable people.

b) Management of physical environment

The City of Unley will manage the physical environment of programs as much as practicable to reduce the risks of abuse and/or harm. The City of Unley will:

- consider safety and security in areas where children, young, elderly, and other vulnerable people gather, about visual surveillance and lighting.
- consider access control, lighting, and design of shower and toilet facilities when selecting locations for programs for children, young, elderly, and other vulnerable people.
- where practicable, can monitor people entering and leaving its programs.
- secure rooms and closets not in use to ensure children, young, elderly, and other vulnerable people are not isolated; and
- ensure indoor and outdoor activity areas are adequately illuminated to enable observation of activities to ensure the safety and wellbeing of children, young, elderly, and other vulnerable persons in parking lots or play areas.

c) Protective work practices

The City of Unley will strive to ensure protective work practices are in place to guide employees and volunteers in providing services to children, young, elderly, and other vulnerable people. The City of Unley will:

- adopt a policy that does not permit physical or verbal punishment under any circumstances.
- prohibit out of program contact between staff/volunteers and participants, except with the express permission of parents or carers.
- limit the opportunity for one on one, close, and unsupervised contact between workers and volunteers and children, young, elderly, or other vulnerable people.
- gain consent of parents/care givers in advance if one on one unsupervised contact is to occur with children, young, elderly or another vulnerable person: and
- require that employees and volunteers report to supervisors/managers in advance if one on one unsupervised contact is to occur.

11. Auditing and reporting

The City of Unley will regularly review the Safe Environment Policy and framework to assess its effectiveness.

12. LEGISLATION AND REFERENCES

Children and Young People (Safety) Act 2017 (SA) and Children and Young People (Safety) Regulations 2017 (SA),

Child Safety (Prohibited Persons) Act 2016 (SA) and Child Safety (Prohibited Persons) Regulations 2019 (SA)

National Principles for Child Safe Organisations (AHRC) 2019

Disability Services Act 1993 and Disability Services (Assessment of Relevant History) Regulations 2014 (SA)

Disability Inclusion Act 2018 (SA)

Ageing and Adult Safeguarding Act 1995 (SA) and Ageing and Adult Safeguarding Regulations 2019 (SA)

South Australian Adult Safeguarding Unit Code of Practice and South Australian Charter of the Rights and Freedoms of Vulnerable Adults

Aged Care Act 1997 & Accountability Principles 2014 (Cth)

Disability Discrimination Act 1992 (Cth);

Equal Opportunity Act 1984 (SA);

Australian Human Rights Commission Act 1986 (Cth);

Racial Discrimination Act 1975 (Cth);

Sex Discrimination Act 1984 (Cth)

National Principles for Child Safe Organisations (AHRC) 2018

South Australian Adult Safeguarding Unit Code of Practice and South Australian Charter of the Rights and Freedoms of Vulnerable Adults

Aged Care Accountability Principles 2014

Signed:  Date: 16/9/22
Chief Executive Officer

ATTACHMENT A

Positions which require a relevant Screening Check through the Department of Human Services Screening Unit.

Any positions who work with children are defined as a Prescribed Position. Including but not limited to Council Officers in Community Facilities, Events and Community Development Staff.

*** Position list under review*

All City of Unley staff employed to work in Library, Museum, Community Centre or Swimming Centre locations.

Volunteers positions in the above locations

Manager Community Development (or similar if affected by title change)

Cultural Development Coordinator (or similar if affected by title change)

Youth Development Officer

Events Coordinator

Volunteer Coordinator

Positions who work with people living with disability, elderly, aged or other vulnerable people are also subject to similar screening requirements as those working with children and young people. Such positions will undergo the required screening – either Working with Children, Aged Care or Disability – through the Department of Human Services Screening Unit

*** Position list under review*

All staff and volunteer positions funded by the Commonwealth Home Support Program