



Safe Environment Policy

Adopted	19 February 2014
Recommendation Number	26 / 0214
Review Date	February 2016

1 Introduction and Rationale

The 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.

In addition to children and young people, other vulnerable people could include the frail aged, people with a disability, and or people who experience disadvantage, for example, some Aboriginal Australians and newly arrived immigrants and/or refugees.

In addition to the moral obligation, amendments to the Children's Protection Act 1993 [SA] which came into effect on 1 January 2007 places a legal obligation on Councils [and all other organisations providing a service wholly or partly to children] to ensure all children in their care are safe from harm. New requirements for criminal history checks for certain staff and volunteers working in the area of aged care also apply as of 1 March 2007.

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

2 Legal Obligations

Section 8C [1] of the Children's Protection Act requires local government have in place policies and procedures for ensuring:

2.1 Child safe environments are established and maintained within the organisation;

2.2 Reports of suspected abuse or neglect are made under Part 4 of the Act.

The policies and procedures must comply with the Principles and Standards issued by Department Families and Community [insofar as they are applicable to the organisation]

Section 11[2] prescribes mandated notifiers as any Council employee or volunteer directly involved in the delivery of health, welfare, education, sporting or recreational childcare or residential services wholly or partly for children. Mandated notifiers must report any suspicion of abuse or neglect of a child to the Department Families and Communities Child Abuse Report Line Telephone 24 hours a day 7 days a week on 13 14 78.

2 Legal Obligations

Section 8B requires criminal history screening to be undertaken of people occupying or acting in a prescribed position before a person is appointed to, or engaged in a prescribed position; and/or at any time as the organisation thinks necessary or desirable for the purpose of establishing or maintaining child safe environments.

As of March 2007, the Australian Government Department of Health and Ageing also required criminal history [police] checks for certain staff and volunteers working in the area of aged care. This applies to Australian Government subsidised aged care services, namely Community Aged Care Packages [CACP] Extended Aged Care at Home [EACH] Packages, and EACH-Dementia. This is relevant to the certain Home and Community Care services.

3 Definitions

The Children's Protection Act 1993 (SA) states that child abuse and neglect (or harm) in relation to a child means

- 3.1 Sexual abuse; or
- 3.2 Physical or emotional abuse, or neglect to the extent that
- 3.3 The child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's wellbeing; or
- 3.4 The child's physical and psychological development is in jeopardy.

Child means a person under the age of 18.

Criminal history screening involves obtaining information about relevant potential employees, volunteers, contractors or consultants on the basis that the information is deemed relevant to assessing the suitability of a person to work in a child-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.

Mandatory reporting obligation means a mandated notifier (any person providing services solely or partly to children – staff, volunteer, contractor or consultant) must report any suspicion of abuse or neglect of a child to the Department Families and Communities Child Abuse Report Line.

3 Definitions

Prescribed position is one that requires or involves one or more prescribed functions as follows

- 3.5 Regular contact with children or working in close proximity to children on a regular basis where that contact or work is not directly supervised at all times.
- 3.6 Close proximity means in reasonable unaided visual sight that is physically being within eyeshot.
- 3.7 Regular contact includes multiple instances of contact of limited duration (attendance at a weekly program) or fewer, extended and intense periods of contact which may be away from children's usual environment.
- 3.8 Supervision or management of above positions; and
- 3.9 Access to records of a kind prescribed by regulation relating to children (including records relating to child protection services, health services, education services, disability services and court orders and proceedings).
- 3.10 Identifying prescribed positions will involve consideration of the nature of the service provided (proximity or intimacy), the frequency (incidental contact, regular and/or ongoing contact).

Note: Department Families and Communities Standards suggest criminal history checks should be undertaken every 3 years.

4 Application of the Policy

The policy will apply from the date of endorsement, to all employees, students on placement, work experience students, relevant volunteers, contractors and consultants providing services wholly or partly to children, or who work with children.

5 Policy and Procedure Standards

The Council is committed to and has endorsed procedural standards which focus on ensuring the organisation and the Council facilities are safe environments for children and vulnerable people. In particular, the following standards reflect the guidance provided by DFC on appropriate standards of conduct for adults in dealing with children.

5.1 Risk Management Strategy

The 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.

5 Policy and Procedure Standards

5.2 Codes of Conduct

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

5.3 Recruitment, Selection and Enhancing Performance

The 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 other vulnerable people. Applicants for prescribed positions will be screened for their suitability to provide services. Screening will involve criminal history screening, interviews, referee reports, checking qualifications and previous employment history in working with children, and undertaking criminal history screening. If a criminal history is recorded, information will be dealt with in a manner that reflects the standards developed and issued by DFC [refer www.families.sa.gov.au/childsafe]

5.4 Involvement in decision-making

The Council will promote the involvement of children, young people and other vulnerable 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 and Neglect

The 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 Associated Documents

6.1 Children's Protection Act 1993 (SA)

6.2 Children's Protection Regulations

6.3 SA Department for Families and Communities – Child Safe Environments

6.4 Principles of Good Practice www.families.sa.gov.au

6.5 SA Department for Families and communities – Child Safe Environments

6.6 Dealing with Criminal History Information www.families.sa.gov.au

- 6.7 Approved Providers of Australian Government Subsidised Aged Care Services – Fact Sheet www.health.gov.au

7 Further Information

Members of the public may inspect this Policy on Council's website www.southernmallee.sa.gov.au and at the principal office of the Southern Mallee District Council at Day Street, Pinnaroo SA 5304.

On payment of a fee, a copy of this Policy may be obtained from the Council, or otherwise may be downloaded for free from the Council's website.

Any queries in relation to this Policy should be directed to the Chief Executive Officer contactable at the principal office on 8577 8002.

8 Policy Review

This policy will be within two years or as required by Council.

The Council may at any time alter this policy, or substitute a new policy.

9 Other Relevant Policies/Procedures

9.1 Code of Conduct for Employees

9.2 Elected Members Code of Conduct