

1. Introduction

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 the moral obligation to address any harm to children, the *Children 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.

This policy aims to ensure the Council organisation and facilities are safe environments for children and young people, and that they are protected from harm. 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

Child Safe Environments

Section 114(1) of the Safety Act requires Councils 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 National Principles for Child Safe Organisations.

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, 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.



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Mandated notifiers must report any suspicion of a child being harmed or who is at risk of harm to the Child Abuse Report Line (CARL) (telephone 24 hours a day, 7 days a week on 13 14 78). All serious concerns must be reported via the phone line, **not** via the online e-CARL portal - <https://my.families.sa.gov.au/IDMProv/landing.html>

All adults who work in Council are also responsible for reporting any suspicion of child sexual abuse to the Police. Failure to report child sexual abuse or failure to protect a child from sexual abuse is a crime (*Criminal Law Consolidation act 1935*).

3. Scope of this policy

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

The Safe Environment Policy will be communicated through Council’s consultation process to all relevant audiences to ensure awareness and understanding of Council’s commitment to ensuring a safe environment. This will include Elected Members, staff, volunteers, contractors, consultants, parents, carers, and children where relevant.

4. Definitions

Child or young person	A person under the age of 18
Harm	Includes physical or psychological harm (whether caused by an act or omission) and includes such harm caused by sexual, physical, mental or emotional abuse or neglect
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 in the course of their employment, that is child-related work; • 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 educational / vocational training or elected members.</p>

5. Policy details

Council is committed to ensuring the organisation and Council facilities, services and social and community programs where all people feel respected, valued are safe environments for children and vulnerable people.

In particular, the following standards reflect the guidance provided by DHS on appropriate standards of conduct for adults in 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.

5.2 Codes of Conduct

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

The code of conduct is supported by Council's grievance procedure to address breaches of the code of conduct. Council will immediately contact the Department of Human Services Screening Unit when we become aware of certain information regarding any person involved with our organisation, including any serious criminal offence, child protection information, or disciplinary or misconduct information.

For more information about these procedures, contact the Council's Chief Executive Officer

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 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. Council is registered with the DHS Screening Unit and will verify the accuracy of all WWCCS prior to a person engaging with children and young people.

Council will ensure that all staff and volunteers who work with children or who have access to their personal records have ongoing support and training to develop, enhance and 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 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 and are trained, and appropriately supported to report any suspicion of harm or risk of harm (including abuse or neglect) on reasonable grounds.

6. LEGISLATION and OTHER DOCUMENTS

Children and Young People (Safety) Act 2017 (SA)
Children and Young People (Safety) Regulations 2017 (SA)
Work Health and Safety Act 2012 (SA)
Child Safety (Prohibited Person) Act 2016 (SA)
Child Safety (Prohibited Persons) Regulations 2019 (SA)

National Principles for Child Safe Organisations -
<https://www.childabuseroyalcommission.gov.au/sites/default/files/SA.0029.001.0502.pdf>

BWC Employee Conduct and Behaviour Policy
BWC Volunteer Code of Conduct
BWC Volunteer Management Policy
BWC Grievance Procedure

7. Availability & Grievances

This policy is available for inspection at the Council office at 11 Bay Street, Port Broughton during ordinary business hours.

It is also available for inspection, download or printing, free of charge, from Council's website:
www.barungawest.sa.gov.au

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer, Barunga West Council, PO Box 3, Port Broughton SA 5522.



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8. REVIEW

The Safe Environment Policy will be reviewed at a minimum at least every 5 years to ensure compliance with the *Children and Young People (safety) Act 2017* and effective maintenance of a safe environment.

Date	Revision Number	Reason for Amendment
12 August 2014	01	Adopted by Council
9 October 2018	02	Reviewed by Council
September 2021	03	Revised due to changes to the legislation.
August 2023	04	Revised due to changes within council and requirements
March 2024	05	Revised due to changes required by DHS Child Safe Environment Program

Responsible Work Area	Compliance
Responsible Officer	Director of Development and Regulatory Services
Date of next review	March 2029
Skytrust Reference	
Records Reference	

Signed:

CEO

Date:

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Mayor

Date:

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ATTACHMENT 1 – ROLES AND RESPONSIBILITIES

Council is responsible for development of the 'Child Safe Environment Policy' and in conjunction with the Chief Executive Officer and/or his or her delegates (where appropriate):

- promoting protection of children and young people from harm;
- responding promptly to advice received from the Chief Executive Officer or other sources concerning significant changes to relevant legislation and regulations; and
- regularly reviewing the effectiveness of the policy.

Council's Elected Members have individual responsibility for appropriate behaviour towards children and young people, and for compliance with the policy.

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

- 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 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 human resources policies and procedures and requirements for working with children and young people.
- Effective implementation of the policy, procedures 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 harm they have towards a child or young person to the Child Abuse Report Line (note: it is the mandated notifier's responsibility to report their suspicion, not their supervisor's or manager's).
- Supporting staff and responding to enquiries regarding suspicions of harm or related issues, maintaining appropriate records and ensuring records are securely stored.
- Maintaining confidentiality and fully cooperating with the Department for Child Protection (DCP), the South Australian Police and other relevant government agencies in their investigations of suspected harm of a child, young person or other vulnerable person if required.
- Report annually to the Chief Executive Officer on implementation, monitoring and review of the Policy and relevant services, programs, and workplace practices.

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 being harmed 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.

*Note: Whilst the obligation to report suspicions of harm rests with mandated notifiers, they are encouraged to seek advice and support from their supervisor and manager, or Chief Executive Officer in relation to suspicions of

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harm or risk of harm towards a child. This practice will ensure staff and volunteers are appropriately supported,

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records are kept confidentially and securely, and any organisation responsibilities in addition to the mandatory reporting obligation are pursued where relevant.

Other Council Staff, volunteers, contractors and consultants who are non-mandated notifiers.

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, whether or 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 program manager who will, in consultation with the Chief Executive Officer, determine the appropriate action to be taken and where appropriate report to the relevant Government authorities.

Third Party Responsibility

- Contractors/Consultants
- Licensees
- Lease of Council premises/facilities
- Hire of Council facility - conditions/agreements

It is recommended that Councils include a clause in contracts of engagement, leases and relevant hire agreements, stipulating the requirement for compliance with Council's Safe Environment Policy. This applies to all contractors including organisations, sole traders and partnerships.

Councils should:

- disclose the policy;
- attach a copy of the policy to the contract, lease or hire agreement, or provide access to an electronic version of the policy;
- reserve within the clause a right to update the policy;
- insert within the clause an obligation to comply with the policy; and
- insert within the clause an obligation to notify Council of instances of non-compliance with the policy if the third party meets the 'prescribed position' test.

It is suggested that Councils seek legal advice in relation to any specific third party arrangements where relevant.

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 Dress Code Policy;



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- secure parental/guardian consent for excursions or to obtain medical treatment for children and young

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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 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 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 or perceived as exploitative or abusive with a child or young person.
- Failure to report disclosures, or suspicions, of harm (including abuse or neglect) to the relevant supervisor and/or the Child Abuse Report Line (CARL) on 13 14 78.

Breaches of Policy / Disciplinary Action

All staff and volunteers, contractors, consultants and elected members 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. For staff or volunteers, this disciplinary action may take the form of a warning, counselling or termination of their employment. For other categories, Council will take appropriate action relevant to that category.

Breaches of this Code of Conduct will be investigated on a case-by-case basis and in accordance with the Council's Employee Complaints and Disciplinary Procedure and any other relevant Policy/ies.

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Reporting – if you have a concern

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 Team Leader, 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 General Manager or the Chief Executive.

If you have any difficulties or questions regarding this Child Safe Code of Conduct, you should discuss these with the Chief Executive Officer.

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ATTACHMENT 2 – WORKING WITH CHILDREN / CHILD SAFE CODE OF CONDUCT

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.

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

This Code applies to all staff, elected members, volunteers, children, young people, parents and carers who access Council services. 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 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.

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

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 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, 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; or discuss their concern with their supervisor 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.