

	<b>POLICY</b>	Version:	5
	Safe Environments	Date Adopted:	13 July 2023
		Next Review Due:	13 July 2027

## 1. STATEMENT

This policy aims to ensure that Council as an organisation provides safe environments for children, young people, and other vulnerable people throughout its operations, facilities, and services.

Council is committed to the safety and wellbeing of all children, young people and other vulnerable people who access its services. Council supports the rights of the child and vulnerable persons in the community and will act without hesitation to ensure a safe environment is always maintained. Council also supports the rights and wellbeing of its staff and volunteers and encourages their active participation in building and maintaining a secure environment for all.

## 2. DEFINITIONS

**Central Assessment Unit:** The Screening Unit of the Department of Human Services.

**Child or Young Person:** A person under 18 years old.

**DCP:** Department for Child Protection.

**Harm:** Any physical or psychological harm and includes, but is not limited to, harm caused by sexual, physical, mental or emotional abuse or neglect.

**Mandatory Notifiers:** Any person required by section 30 of the *Children and Young People (Safety) Act 2017* (CYPS Act) to report a reasonable suspicion that a child or young person may be at risk, e.g., to the **Child Abuse Report Line (CARL 13 48 78)**, or **000 in an emergency**.

**Prescribed Position:** Defined by section 5 of the *Child Safety (Prohibited Persons) Act 2016* (CSPP Act) and means:

- 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 *Child Safety (Prohibited Persons) Regulations 2019* (CSPP Regs) for the purposes of this definition.

**Vulnerable People/Groups:** Those who may be at risk of abuse or exploitation due to their dependency on others or through an experience of disadvantage.

**Voluntary Notifier:** A person who is not in a prescribed position and makes a notification on moral or ethical grounds.

**Work with children and child-related work:** Defined by section 6 of the CSPP Act and regulation 7 of the CSPP Regs.

**Working with children check (WWCC):** A working with children check under the CSPP Act.

## 3. PRINCIPLES

### 3.1 Scope

This policy applies to Council Members, employees, volunteers, contractors and consultants and any other person involved in the delivery of Council services and programs.

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## 3.2 Legal Obligations

### 3.2.1 Children and Young People

It is the duty of every person to safeguard and promote the following outcomes for children and young people:<sup>1</sup>

- (a) to be safe from harm;
- (b) to do well at all levels of learning and to have skills for life;
- (c) to enjoy a healthy lifestyle;
- (d) to be active citizens who have a voice and influence.

Council is required to prepare and adopt policies and procedures that:<sup>2</sup>

- ensure reporting of a suspicion that a child or young person may be at risk are made in accordance with the CYPS Act; and
- ensure safe environments for children and young people are established and maintained in respect to Council's services and activities; and
- comply with the National Principles for Child Safe Organisations.

Section 30 of the CYPS Act requires certain persons to report suspicions that a child or young person may be at risk. This encompasses employees and volunteers of Council who provide health, welfare, education, sporting, recreational, child care or residential services wholly or partly for children and young people. It includes persons who:

- provide such services directly to children and young people; or
- hold a management position, the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children and young people (whether or not those duties constitute child-related work under the CSPP Act).

Persons to whom section 30 applies are obligated to notify the Department for Child Protection (SA) through the Child Abuse Report Line (CARL), either by telephone or online, if they suspect, on reasonable grounds, that a child is at risk of harm or has been or is being harmed and the suspicion is formed in the course of their work (paid or voluntary) or in carrying out official duties.

Failure to comply with mandatory reporting obligations is a serious breach of the law and gives rise to an offence under the CYPS Act.

<sup>1</sup> Sections 4,5 CYPS Act

<sup>2</sup> Section 114 CYPS Act

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### 3.2.2 Child Safety (Prohibited Persons) Act 2016

Council must not employ or continue to employ a person in a prescribed position unless a WWCC has been conducted in relation to the person within the preceding five years and the person is not prohibited from working with children. Council must verify the accuracy of a WWCC with the Screening Unit of the Department of Human Services and must ensure it is renewed every 5 years.

The Chief Executive Officer (or their delegate) must advise the Central Assessment Unit of the Department of Human Services as soon as reasonably practicable if they become aware of:<sup>3</sup>

- any assessable information in relation to a person employed in a prescribed position;
- a person who is or becomes prohibited from working with children (in any State or Territory);
- a person who is or becomes a registrable offender under the *Child Sex Offenders Registrations Act 2006*; or
- a person who makes a disclosure to their employer under section 66 of the *Child Sex Offenders Registration Act 2006*.<sup>4</sup>

Work with children and child-related work includes the following services or activities that are relevant to Council:<sup>5</sup>

- childcare services;
- commercial services provided directly to children (e.g., face painting, photography of children, services such as a play gym, etc.);
- coaching or tuition services for children in 1 or more of the following areas:
  - education
  - sports
  - recreational activities
  - cultural awareness or cultural activities
  - arts and crafts;
- providing a service or undertaking an activity that is child-related work in the course of employment.

## 3.3 Application of National Principles for Child Safe Organisations

Council is committed to the National Principles for Child Safe Organisations:

### 3.3.1 Identify & Analyse Risk of Harm

Council will undertake risk assessments in accordance with its Risk Management Policy (and any associated documents, e.g., the Safe Environments Risk Management Plan) and

<sup>3</sup> Section 19 CSPP Act

<sup>4</sup> Section 19 CSPP Act

<sup>5</sup> Section 6 CSPP Act, regulation 7 CSPP Regs

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consider the risks posed to children and young people in the provision of its services and activities. The National Principles provides examples of risks in relation to children and young people, which include accidental harm, vicarious trauma, re-traumatisation in the workplace, physical harm, psychological harm, emotional harm, neglect, sexual abuse, cultural abuse, grooming and sexual exploitation.

### 3.3.2 Code of Conduct

This policy is supported by the Safe Environments Code of Conduct. All employees, council members, volunteers, contractors and consultants are required to comply with the code of conduct.

### 3.3.3 Choosing suitable employees and volunteers

The Chief Executive Officer will ensure that policies or procedures are developed and maintained regarding recruitment and selection processes, which include:

- responsibility for verifying the accuracy of a WWCC for relevant persons upon appointment and at least once every 5 years;
- applicant screening processes, which may include, but are not limited to criminal history checks, interviews, referee reports, qualification verification, and employment history verification.

#### Working with Children Checks are required for:

- all members of the Executive Leadership Team;
- all persons working at the Millicent Library;
- all persons working at the Gladys Smith Early Learning Centre
- all persons working at the Visitor Information Centres (Beachport, Millicent & Penola);
- any persons regularly contributing to the Youth Advisory Council;
- Community Development Officer;
- Manager of Community Development;
- Manager of Assets and Environment;
- Senior and General Inspectors;
- Communications Officer;
- Environmental Services Officer;
- Executive Support Development Services;
- Technical Officer;
- Team Leader Parks and Gardens;

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- Building Services Officers;
- all persons carrying out regular maintenance or inspection activities at council playgrounds;
- all persons undertaking regular building and or garden ground maintenance at the Gladys Smith Early Learning Centre;

The Chief Executive Officer (or their delegate) may require other employees, volunteers, contractors, consultants or council members to obtain a WWCC at any time that they believe it necessary or desirable for the purpose of maintaining a child safe environment.

### **3.3.4 Support, Train, Supervise & Enhance Performance**

The Safe Environments Policy and Code of Conduct will be included in Council induction programs provided to employees, volunteers, and council members, including contractors and consultants.

Mandatory notifiers will be provided with training on their reporting obligations. The training will be the Safe Environments: 'Through Their Eyes' course facilitated by public training providers approved by the Department of Human Services.

The Director of the Gladys Smith Early Learning Centre will develop and maintain policies and procedures that support employees working at the centre to provide child safe environments.

### **3.3.5 Empower & promote the participation of children in decision-making and service development**

Council will promote the involvement of children, young people, and other vulnerable people in service development planning. The process of empowering children, young people, vulnerable parties will be guided by safety, education, training and through the Gladys Smith Early Learning Centre's philosophy and their internal policies listed in the references section of this policy.

### **3.3.6 Report & respond appropriately to children and young people suspected to be at risk**

The Chief Executive Officer (or their delegate) will support staff through the process of reporting of a suspicion that a child or young person may be being harmed or is at risk of harm. These processes are outlined in the Appendices to this policy.

## **4. REVIEW**

This Policy must be reviewed at least once every five years.<sup>6</sup>

<sup>6</sup> Section 115 CYPS Act

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If Council expands the services offered to children and young people, the services undergo a substantial change, or if Council experiences an event or incident where a child or young person was or could have been at risk, a review of this policy will occur.

A statement of compliance will be lodged with the Department of Human Services as soon as possible after preparing the policy.<sup>7</sup>

## 5. AVAILABILITY

This Policy is available without charge on the Council Website: [www.wattlerange.sa.gov.au](http://www.wattlerange.sa.gov.au).

A copy of the Policy may be purchased from the Principal Council Office upon payment of a prescribed fee in accordance with Council's Schedule of Fees and Charges.

## 6. REFERENCES & FURTHER READING

References	<ul style="list-style-type: none"> <li>SA Department of Human Services – Child safe environments <a href="https://dhs.sa.gov.au/services/community-and-family-services/child-safe-environments/child-safe-environments">https://dhs.sa.gov.au/services/community-and-family-services/child-safe-environments/child-safe-environments</a></li> <li>SA Department of Human Services – Resources for creating a child safe environments policy <a href="https://dhs.sa.gov.au/services/community-and-family-services/child-safe-environments/resources-for-creating-a-child-safe-environment-policy">https://dhs.sa.gov.au/services/community-and-family-services/child-safe-environments/resources-for-creating-a-child-safe-environment-policy</a></li> <li>National Principles for Child Safe Organisations</li> </ul>
Relevant Legislation:	<ul style="list-style-type: none"> <li><i>Children &amp; Young People (Safety) Act 2017</i></li> <li><i>Children &amp; Young People (Safety) Regulations 2017</i></li> <li><i>Child Safety (Prohibited Persons) Act 2016</i></li> <li><i>Child Safety (Prohibited Persons) Regulations 2019</i></li> </ul>
Relevant Policies / Procedures / Guidelines	<p>This Policy should be read in conjunction with:</p> <ul style="list-style-type: none"> <li>Safe Environments Code of Conduct</li> <li>Risk Management Policy</li> <li>Gladys Smith Early Learning Centre Policies for Education, Leadership &amp; Management</li> <li>Gladys Smith Early Learning Centre Safe Environments Policy</li> <li>Gladys Smith Early Learning Centre Code of Conduct</li> <li>Community Engagement Policy</li> <li>HR Policy</li> <li>Disability Access and Inclusion Management Plan</li> </ul>

## 7. ADOPTION & AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of the policy.

Version No:	Issue Date:	Authorised by:	Description of Change:	Minutes Reference:
1	14 June 2011	Council	Adopted	Folio 4573; Item 11.1.16
2	10 July 2012	Council	Reviewed	Folio 4788; Item 11.1.5
3	12 November 2013	Council	Reviewed	Folio 5244; Item 12.2.5

<sup>7</sup> Section 114(3)-(4) CYPS Act

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4	9 November 2021	Council	Legislative changes reflected. Formerly Child Safe Environments. Incorporated Vulnerable Groups Policy. New format.	Folio 9775; Item; 15.2.2
5	13 July 2023	Council	Amended based on feedback from DHS in relation to legislative compliance. Consultation with staff, ELT and Audit and Risk Committee.	Folios 10687-10688; Item 8.1.1.2

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## APPENDICES

### Appendix 1:

#### **Process of responding to allegations or suspicions of harm to a child or young person.**

Council Acknowledges that there are well known risks when working with Children and Young People. Part of eliminating these risks is ensuring clear guidelines are made.

The following process will be followed for allegations or reasonable suspicions of harm to a child or young person:

- Allegations or reasonable suspicions of harm to a child or young person will be reported through Council's risk management software Skytrust.
- The staff member will provide a detailed report on the incident that occurred with information being included in Skytrust database.
- The Customer Experience Policy and Compliments and Complaints Handling Procedure will be followed, as well as the Gladys Smith Early Learning Centre ELM14 Grievance Policy (Staff and Parents) for allegations relating to the Gladys Smith Early learning centre.

The mandatory reporting process outlined in Appendix 3 **must** also be followed for all mandatory notifiers. Voluntary notifiers may also make a report to DCP.

The identity of a person who makes a report or notification must be kept confidential and **must not** be disclosed to any other person unless an exception under section 163 of the CYPS Act applies.

### Appendix 2:

#### **List of mandatory notifiers.**

The following positions are identified as mandatory notifiers that are obligated under the CYPS Act to report to DCP any suspicions of harm to a child or young person:

- Chief Executive Officer
- all members of the Executive Leadership Team;
- all persons working at the Millicent Library;
- all persons working at the Gladys Smith Early Learning Centre
- all persons working at the Visitor Information Centres (Beachport, Millicent & Penola);
- any persons regularly contributing to the Youth Advisory Council;
- Community Development Officer;
- Manager of Community Development;
- Manager of Assets and Environment;
- Senior and General Inspectors;

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- Communications Officer;
- Environmental Services Officer;
- Executive Support Development Services;

### Appendix 3:

#### Process for Mandatory Notifiers to report a child or young person suspected to be at risk of harm.

Section 31 of the CYPS Act requires Mandatory Notifiers to report to DCP if they form a suspicion on reasonable grounds, during their employment, that a child or young person is being harmed or is at risk of harm.

The table below sets out the methods for reporting a suspicion:

In an <b>emergency</b> , where a child or young person requires immediate medical or police help:	Call emergency services on <b>000</b>
For all <b>serious concerns</b> , e.g., where it is suspected that a child or young person is in imminent or immediate danger of serious harm, serious injury, chronic neglect, or when a child is in the care of the Department for Child Protection and it is suspected they are at risk:	Call Child Abuse Report Line (CARL) <b>13 14 78</b>
<p><b>Only</b> for less serious concerns that do not require immediate intervention: <b>Not</b> appropriate for the following scenarios:</p> <ul style="list-style-type: none"> <li>• The notification concerns a child or children currently in the Department for Child Protection's care;</li> <li>• The child is in imminent danger or at a very high risk of harm;</li> <li>• The child has serious injuries as a result of abuse and/or neglect;</li> <li>• The report is about an infant (under 12 months) with any injury that you suspect is a result of abuse and/or neglect;</li> <li>• A child who is abandoned or currently unsupervised and is at risk; or</li> <li>• A plausible threat has been made to kill or seriously harm the child</li> </ul> <p>In these circumstances mandated notifiers must call the <b>Child Abuse Report Line (CARL) on 13 14 78</b></p>	<p>Make an online notification via e-CARL at <a href="https://www.childprotection.sa.gov.au/reporting-child-abuse/report-child-abuse-or-neglect">https://www.childprotection.sa.gov.au/reporting-child-abuse/report-child-abuse-or-neglect</a></p> <p>(Response to online notifications is not immediate)</p>

#### Information required for report:

should include all necessary information as set out below:

#### Identification Details

- Full Name

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- Date of Birth
- Current Address and Contact Numbers
- School or Care setting
- Aboriginal or Torres strait Islander Identity/ Kinship group
- Alleged perpetrators name, age, address, relationship to Child or Young person
- Current whereabouts of child or young person
- Next contact with alleged perpetrator Mandatory Reporter Detail

#### Other Family Details

- Drug issues, mental health concerns in relation to the family
- Relationship of individual family members
- Type of contact you have with the family
- Name address and contact number of your employer
- Extended family supports

#### Details of the Report

If a Child or Young Person has disclosed an incident:

- What was the emotional presentation?
- What were the behavioural concerns?

#### Appendix 4:

#### Where the Alleged Perpetrator is a Council Employee.

Where the alleged perpetrator of harm to a child or young person is a Council employee (or any other person within the scope of this policy), in addition to the above process, the person reporting the suspicion of harm will also:

- Report the suspicion of harm and alleged perpetrator to the Human Resources Manager and the Chief Executive Officer within 24 hours of becoming aware of the alleged behaviour. The Human Resources and Risk Manager will notify the Child Abuse Report Line (CARL) of the abuse allegation.
- When an allegation of child sexual harm by an employee is received, immediate and practical steps will be taken to ensure the safety of the child, and SA Police will be contacted.
- Following this, the person/s alleged to have committed the harm will be informed of the allegation and the next steps that will be taken by Council including the type of investigation that will be undertaken.
- Depending on the severity of the allegation, the staff member will be either relocated to another location where they cannot have contact with the alleged victim or will be stood down pending the outcome of the investigation of the allegations.
- An external investigator will be engaged to investigate the allegations. The investigator will be knowledgeable and experienced in undertaking workplace investigations relating to child harm allegations.
- The Chief Executive Officer, in consultation with the Executive Leadership Team, will consider the review findings and determine the action to be taken with respect to the employee. This could include discharge of the allegations, issuing a letter of reprimand or warning, suspension from employment or dismissal of the employee.

If the allegation involves the Human Resources and Risk Manager or the Chief Executive Officer, the notifier will instead make the report to one or more Director(s) on the Executive Leadership Team.

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## Appendix 5:

### Further Actions after Reporting Suspected Harm.

Council acknowledges that its duty of care is not exhausted after reporting a suspicion of harm.

The person who made the report and/or their manager will consider any further support that may be required by the child or young person, and where possible, will refer the child or young person to an appropriate service in the community (e.g., a GP) for further support.

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