

	<h1>Safe Environment Policy</h1>	<b>Version No:</b>	2.0
		<b>Issued:</b>	18 October 2011
		<b>Last Review</b>	July 2016
		<b>Next Review</b>	July 2017

Name of Council	Wudinna District Council
File reference	9.63
Minutes reference:	11.4.9 – 19 July 2016
Responsibility	Governance
Next review date:	Council will endeavour to review this policy annually
Applicable Legislation:	Children’s Protection Act 1993 (SA)
Related Policies:	Code of Conduct for Council Employees Code of Conduct for Elected Members Equal Opportunities Policy & Procedure Risk Management Policy
Related Procedures / Standards:	

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### 1. INTRODUCTION AND RATIONALE

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.

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 moral obligation, amendments to the Children’s Protection Act 1993 (SA) 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. Requirements for criminal history checks for certain staff and volunteers working in the area of aged care also applied from 1 March 2007.

This policy aims to ensure that at all times Elected Members, 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.

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## 2. LEGAL OBLIGATIONS

Section 8C(1) of the Children's Protection Act requires local government *to have in place policies and procedures* for ensuring:

- Child safe environments are established and maintained within the organisation;
- Reports of suspected abuse or neglect are made under Part 4 of the Act.

These policies and procedures must comply with the Department for Education and Child Development (DECD) Principles and Standards insofar as they are applicable to the Council.

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 DECD Child Abuse Report Line (telephone 24 hours a day, 7 days a week on 13 14 78) or online at [www.reportchildabuse.families.sa.gov.au](http://www.reportchildabuse.families.sa.gov.au).

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 maintain child safe environments.

*Note: DECD standards suggest criminal history checks should be undertaken every 3 years.*

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.

## 3. DEFINITIONS

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

- Sexual abuse; or
- Physical or emotional abuse, or neglect to the extent that:
  - the child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's wellbeing; or
  - 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 employments 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, including sole operators and partnerships) must report any suspicion on abuse or neglect of a child to the Families SA Child Abuse Report Line or on-line.

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**Prescribed position** is one that requires or involves prescribed function as follows:

- Regular contact with children or working in close proximity to children on a regular basis.
  - Close proximity means in reasonable unaided visual sight that is physically being within eyeshot.
  - 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.
- Supervision or management of above positions; and
- Access to records relating to children.

A prescribed position may also include one that involves provision of aged care services, or services to other vulnerable people.

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).

#### 4. APPLICATION OF THE POLICY AND RESPONSIBILITIES

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

The Policy will be communicated 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.

The Chief Executive Officer is responsible for the implementation of and compliance with this policy throughout the Council organisation.

#### 5. POLICY AND PROCEDURE STANDARDS

Council is committed to and has endorsed procedural standards which focus on ensuring the organisation and Council facilities are safe environments for children and vulnerable people. In particular, the following standards reflect the guidance provided by the DECD 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 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 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. For more information about these procedures contact the Safe Environment Contact Officer.

Mr Alan F McGuire, Chief Executive Officer on 08 8680 2002 or in person at 11 Burton Tce, Wudinna SA 5652.

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### 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 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 DECD (refer [www.families.sa.gov.au/childsafe](http://www.families.sa.gov.au/childsafe)).

Council will ensure that all staff and volunteers who work with children or who have access to their 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, 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

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

- Children's Protection Act 1993
- Childrens Protection Regulations 2010
- DECD Child Safe Environments: Principles of Good Practice [www.families.sa.gov.au/childsafe](http://www.families.sa.gov.au/childsafe)
- DECD Child Safe Environments: Dealing with Criminal History Information [www.families.sa.gov.au/childsafe](http://www.families.sa.gov.au/childsafe)
- Code of Conduct for Employees
- Code of Conduct for Elected Members
- Equal Opportunities Policy & Procedure
- Risk Management Policy

## 7. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website [www.wudinna.sa.gov.au](http://www.wudinna.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.