



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

Safe Environment for Children and Vulnerable People Policy

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| Adopted by: | Council |
| Responsible Division: | Business Excellence – People & Culture |
| First Issued/Adopted: | 2008 |
| Last Reviewed: | 23 October 2023 (Resolution no. 0493/2023) |
| Next Review Date: | March 2025 |

1. Purpose

- 1.1 The City of Salisbury regards the interests of children, young, aged and other vulnerable people in our community as of paramount importance and acknowledges that all forms of, harm or risk of harm or behaviours which place children, young, aged and other vulnerable people at risk are abhorrent and must not be tolerated or ignored.
- 1.2 The actions and commitments outlined below recognises that the City of Salisbury has a role to play in fostering a safe environment and contributing to a whole of community effort to protect children, young, aged and other vulnerable people from harm, risk of harm, unprofessional behaviour or any form of illegal treatment.

2. Scope

2.1 This policy extends to all children, young, aged and other vulnerable people who use the services, programs and facilities of the City of Salisbury.

2.2 Responsibility for ensuring that the requirements set out in this policy are met will rest with all workers who provide services to children, young, aged and other vulnerable people and those who manage workers providing these services.

3. Legislative Requirements and Corporate Policy Context

1. Children and Young People (Safety) Act 2017 (SA) and Young People (Safety) Regulations 2017 (SA)
2. Child Safety (Prohibited Persons) Act 2016 (SA) and Child Safety (Prohibited Persons) Regulations 2016 (SA)
3. National Principles for Child Safe Organisations (the National Principles)
4. Criminal Law Consolidation Act 1935 – Section 64A & 65 (penalties for failure to report child sex abuse)
5. Sex Discrimination Act 1992 (Cth)
6. Disability Discrimination Act 1992 (Cth)
7. Disability Inclusion Act 2018 (SA)
8. Disability Services Act 1993 and Disability Services (Assessment of Relevant History) Regulations 2014 (SA)
9. National Disability Insurance Scheme Act 2013, National Disability Insurance Scheme (Practice Standards-Worker Screening) Rules 2018, National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018, and National Disability Insurance Scheme (Code of Conduct) Rules 2018.
10. Racial Discrimination Act 1975 (cth)
11. Equal Opportunity Act 1984 (SA)
12. Australian Human Rights Commission Act 1986 (cth)
13. Aged Care Accountability Principles 2014 and Aged Care Quality Standards
14. Aged Care Legislation Amendment (Incident Management and Reporting) Instrument 2022
15. Ageing and Adult Safeguarding Act 1995 (SA) and Ageing and Adult Safeguarding Regulations 2019 (SA)
16. Aged Care Act 1997
17. South Australian Adult Safeguarding Unit Code of Practice and South Australian Charter of the Rights and Freedoms of Vulnerable Adults.

4. Interpretation/Definitions

4.2. "At Risk" includes where:

- 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 South Australia (including, female genital mutilation); or
 - ii. taking part in a marriage ceremony that would be a void marriage, or would otherwise be an invalid marriage, under the *Marriage Act 1961 (cth)*; 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 South Australia, constitute an offence against the *Criminal Law Consolidation Act 1935 (SA)* or the *Criminal Code (cth)*; 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.

4.3. "Child or young person" refers to a person under 18 years of age.

4.4. **"Worker"** refers to all Council employees, volunteers, contractors, labour hire personnel and consultants, apprentices, trainees or work experience students. In this context the term "contractors" or "consultants" refers only to those persons who are specifically notified within the terms of their engagement of an obligation to be bound by the terms of this and other Council policies.

4.5. **"Screening"** involves obtaining information about relevant existing or potential workers for the purposes of assessing the initial and ongoing suitability of a person to work or volunteer with children, young, aged and other vulnerable people.

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.

4.6. **"Harm"** – means physical harm or psychological harm (whether caused by act or omission) and includes such harm caused by sexual, physical, mental or emotional harm.

4.7. **"Mandated Notifier"** means a person who comes within one of the categories set out in Section 30 (3) of the Child and Young Person (Safety) Act 2017, and so has an obligation to report a suspicion of a type described in Section 31 of the Act and any person subject to a Mandatory Reporting Obligation.

Mandated Notifiers are all workers who hold a designated position as identified in the City of Salisbury Prescribed Positions list (Schedule 2 of the Safe Environment for Children and Vulnerable People Procedures).

4.8. **"Mandatory Reporting Obligation"** means the requirement for workers to report a suspicion that a child or young person is, or may be, at risk of harm where that suspicion was formed in the course of their employment (paid or voluntary); or

- in carrying out official duties as set out in Section 30 (3) of the Child and Young Person (Safety) Act 2017; 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.

Note: Staff are encouraged to seek advice and support from their supervisor and manager in relation to suspicions of child or young person harm, risk of harm.

4.9 "NDIS Reporting Obligation" means the requirement to report:

- the death of a person with disability;
- serious injury of a person with disability;
- abuse, neglect or harm of a person with disability;
- unlawful sexual or physical contact with, or assault of, a person with disability;
- sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity; or
- the use of a restrictive practice in relation to a person with disability, other than where the use is in accordance with an authorisation (however described) of a State or Territory in relation to the person, or
- an allegation of such conduct, where such conduct occurs, or is alleged to occur in connection with the provision of NDIS supports or services by the Council Workers must notify their supervisor of every incident as soon as possible to ensure reportable incidents are identified and reported to the NDIS Quality and Safeguarding Commission within the required timeframes.

4.10 "Prescribed Position" is a position in which a person works, or is likely to work, with children, or any other position prescribed by the Child Safety (Prohibited Persons) Regulations 2019 in accordance with Section 5 (1) of the Child Safety (Prohibited Persons) Act 2016

4.11 "other History Screening" involves obtaining information about existing or potential workers for the purposes of assessing the initial and ongoing suitability of a person to work or volunteer with children, young, aged and other vulnerable people and to assess whether the worker poses an unacceptable risk to children or vulnerable people. Such screenings are undertaken by an authorised screening unit in accordance with the Child Safety (Prohibited Persons) Act 2016 (SA), Aged Care Act 1997 (cth), Disability Services Act 1993 (SA) and the National Disability Insurance Scheme Act 2013 (cth) and National Disability Insurance Scheme (Practice Standards - Worker Screening) Rule 2018.

4.12 "Vulnerable Person" refers to a people aged 18 years and above who may be unable to take care of themselves, or is unable to protect themselves against harm, violence, abuse, neglect, exploitation or discrimination; including age, illness, trauma or disability, culturally and linguistically diverse backgrounds or any other reason.

- 4.13 "Working with Children Check" (WWCC) means a working with children check under the
Child Safety (Prohibited Persons) Act 2016

5. Policy Statements

- 5.1 This policy aims to provide a safe environment for children, young, aged and other vulnerable people who receive services from the City of Salisbury, and to ensure that any suspected harm, or risk of harm to children, young, aged and other vulnerable people is reported.
- 5.2 To ensure that all relevant workers are aware of their duty of care responsibilities for the protection, safety and wellbeing of children, young, aged and other vulnerable people.
- 5.3 To ensure that the City complies with all of the key legal obligations and procedural requirements as outlined within documentation referred to under section 3 of this policy.

6. Risk Management Strategy

- 6.1 All people who use the Council's services and facilities have a right to do so in a safe environment.

6.1.1 Risk Management

The City of Salisbury will identify and assess potential sources of harm and take reasonable steps to decrease the likelihood that harm will occur to children, young, aged and other vulnerable people who use council services. Areas of risk assessment will include human resources, activities and programs, record keeping, physical spaces, facilities and organisational culture.

6.1.2 Code of Conduct - Additional Expectations for Employees and Volunteers

In addition to City of Salisbury's Code of Conduct for Employees, and the Code of Conduct for Volunteers, the following expectations are applicable to all workers who have responsibilities relating to children and young people.

6.1.3 Workers will:

- 6.1.3.1 Comply with this Policy and relevant procedures including the Standards of Professional Conduct and Ethics (as per Schedule 1 of the Safe Environment for Children and Vulnerable People Procedure), and take all reasonable steps to ensure the safety and protection of children young, aged and other vulnerable people.
- 6.1.3.2 Act as a positive role model at all times.
- 6.1.3.3 Set clear boundaries about appropriate behaviour between themselves and all people accessing programs and services in our organisation.
- 6.1.3.4 Listen and respond appropriately to the views and concerns of children young, aged and other vulnerable people, as well as encouraging their say on issues important to them.
- 6.1.3.5 Ensure another adult is always present or in sight when conducting one to one coaching, instruction or other activity with children and young people.
- 6.1.3.6 Respond quickly, fairly and transparently to any serious complaints.

6.1.4 Workers must not:

- 6.1.4.1 Develop any 'special' relationships that could be seen as favouritism such as the offering of gifts or special treatment.
- 6.1.4.2 Engage in rough physical games.
- 6.1.4.3 Do things of a personal nature that a person can do for themselves, such as toileting or changing clothes.
- 6.1.4.4 Engage in out of program contact between workers and participants, except with the express permission of the person and/or their parents or carers/ representative.
- 6.1.4.5 Limit the opportunity for one on one, close and unsupervised contact between workers and children, young, aged, or other vulnerable people.

Any breach of this code or the behaviours outlined above will be managed in accordance with the Procedures for Managing Unacceptable Performance.

6.1.5 Recruitment and Selection

- 6.1.5.1 Council will meet legislative requirements and take all reasonable steps to ensure that it engages suitable workers to provide services to children, young, aged and other vulnerable people.
- 6.1.5.2 All workers who hold a Prescribed Position must have and maintain a current suitable Criminal History Clearance and/or a current suitable Department of Human Services Relevant History Screening/s that meets legislative and/or funding requirements.
- 6.1.5.3 The specific requirements for Criminal History Clearance and/or a current suitable Department of Human Services Relevant History Screening/s are outlined in the "Criminal History Screening Procedures".
- 6.1.5.4 The requirement to provide and maintain suitable screening documentation will be communicated to applicants as a part of the processes for advertising the vacancy and included in the Position Description for all Prescribed Positions
- 6.1.5.5 Workers must immediately inform the City of Salisbury if they become subject to criminal charges or other investigations that has the potential to impact their ability to maintain the relevant screening requirements, or if they lose their clearance status for Prescribed Positions

6.1.6 Training/Awareness

- 6.1.6.1 All workers in contact with, or providing services to children, young, aged and/or other vulnerable people, and those who manage workers who deal with such people, will be provided with training/awareness in relation to their responsibilities including Mandatory Reporting Obligations, NDIS Reporting Obligations and Aged Care Serious Incident Reporting Obligations and this Policy.
- 6.1.6.2 For Prescribed Positions, which are required by the *Child Safety (Prohibited Persons) Act 2016 (SA)*, to possess a Working with Children clearance, additional training will be provided relating to child safe environments and specific mandatory reporting obligations.

6.1.6.3 Workers will be required to complete this training on engagement and at intervals as determined by Council with a minimum refresher period of 12-24 months.

6.1.7 Contractors and Others

6.1.7.1 Leases or hire agreements for buildings used by the community will reflect the requirement to observe responsibilities set out in this policy.

6.1.8 Management of Physical Environment

The City of Salisbury will manage the physical environment of programs as much as practicable to reduce the risks of harm. The City of Salisbury will:

6.1.8.1 consider safety and security in areas where children, young, aged and other vulnerable people gather, in relation to visual surveillance and lighting,

6.1.8.2 consider access control, lighting, and design of shower and toilet facilities when selecting locations for programs for children, young, aged and other vulnerable people,

6.1.8.3 where practicable, monitor people entering and leaving its programs,

6.1.8.4 secure rooms and closets not in use to ensure children, young, aged and other vulnerable people are not isolated.

6.1.9 Information Sharing

6.1.9.1 All workers who, by virtue of their position, are privy to personal information of a child, young, aged or other vulnerable person shall ensure that the information is kept strictly confidential other than in the circumstances where mandatory reporting is required.

6.1.9.2 In the event a mandatory report is made or a serious matter or care concern is identified, the City of Salisbury will share information with other stakeholders in accordance with the Information Sharing Guidelines at: <https://www.dpc.sa.gov.au/responsibilities/information-sharing-guidelines>

6.1.10 Reporting of Harm or Risk of Harm

- 6.1.10.1 Council will not tolerate any incidents of harm or risk of harm as defined by this policy.
- 6.1.10.2 Council will comply with all applicable reporting obligations, including those under the Children and Young People (Safety) Act 2017 (SA), the Child Safety (Prohibited Persons) Act 2016 (SA), the National Disability Insurance Scheme Act 2013 (cth) and the Aged Care Legislation Amendment (Incident Management and Reporting) Instrument 2022.
- 6.1.10.3 The Safe Environment for Children and Vulnerable People Procedures provide workers with the processes to assist in the practical application of the Policy.
- 6.1.10.4 In the case of a vulnerable person, workers must contact the South Australian Police if they suspect on reasonable grounds that a vulnerable person has or is being harmed.
- 6.1.10.5 Workers will report to their supervisor, and to the Child Abuse Report Line (CARL), 13 14 78, any behaviour by fellow workers, which is not in accordance with the Employee Conduct Policy, or this Policy.

7. Responsibilities

6.1.11 Council

- 6.1.1 promoting the protection of children, young, aged or other vulnerable people from harm or risk of harm.
- 6.1.2 responding promptly to advice received from the Chief Executive Officer or other sources concerning significant changes to relevant legislation and regulations.
- 6.1.3 council members have individual responsibility for appropriate behaviour towards children, young, aged or other vulnerable people, and for compliance with this policy.

6.1.12 Chief Executive Officer

- 6.1.4 ensure this policy is implemented, monitored and evaluated on a regular basis;
- 6.1.5 ensure that the Safe Environments Compliance Statement is lodged with the Department of Human Services when the policy is reviewed and updated; and
- 6.1.6 ensure significant changes in legislation are drawn to the attention of Council and Workers in a timely manner.

6.2 Managers and Supervisors (Paid and Voluntary)

- 6.2.1 review the service environment and where necessary, develop strategies to minimise the risk of harm to children and people;
- 6.2.2 review existing agreements with service providers to ensure requirements within this policy are communicated and observed;
- 6.2.3 ensure relevant history and criminal screening procedures have been undertaken for persons filling Prescribed Positions;
- 6.2.4 comply with the Standards of Professional Conduct and Ethics (as per Schedule 1 of the Safe Environment for Children and Vulnerable People Procedure);
- 6.2.5 ensure that only volunteers and contractors who have provided a current suitable background/employment screening assist with the delivery of Council programs;
- 6.2.6 ensure workers have appropriate training and supervision to understand and fulfil their obligations as mandated notifiers and provide a child safe environment for children and young people
- 6.2.7 provide appropriate induction and training to persons occupying Prescribed Positions; and
- 6.2.8 ensure any reasonable suspicion of harm or risk of harm affecting a child, young, aged or other vulnerable person is reported to the appropriate authority and where appropriate, shared under the requirements set.

6.3 Mandated Notifiers

Mandated Notifiers have obligations under the South Australian Children and Young People (Safety) Act 2017 to:

- 6.3.1 maintain confidentiality of personal information of children and young people;
- 6.3.2 notify the Department for Child Protection on the Child Abuse Report Line (13 14 78) if, in the course of their work, they suspect, on reasonable grounds, that a child or young person is, or may be, at risk of harm. In the event of imminent risk of harm to a child or young person, Mandated Notifiers should contact SA Police on 000.
- 6.3.3 paid workers are to advise their Manager/Supervisor of any notification made to the Department for Child Protection or where contact is made with the South Australian Police or seek guidance if they believe any child or vulnerable person is suffering from harm; and
- 6.3.4 after a report to the appropriate external agency, volunteer workers are to advise their Manager/Coordinator and the Volunteer Development Officer of any notifications made.

6.4 Other Council Staff, Volunteers, Contractors and Consultants who are Non- Mandated

- 6.4.1 Observe the provisions contained within this policy, including the Standards of Professional Conduct and Ethics, and protect children, young, aged and other vulnerable people from harm or risk of harm or any form of illegal treatment that may cause them harm; and
- 6.4.2 Comply with NDIS Reporting Obligations and Aged Care Serious Incident Reporting Obligations; and
- 6.4.3 Notify Council of any instances of non-compliance with the policy.

6.5 Community Members using Council Services or Facilities

- 6.5.1 provide the Council with feedback in relation to any areas where improvements to this policy can be made in accordance with the Compliments, Comments and Complaints Handling Procedure.

8. Related Policies and Procedures

- 1. Safe Environment for Children and Vulnerable People Procedures
- 2. Employee Conduct Policy
- 3. Code of Conduct for Volunteers
- 4. Criminal History Screening Procedures
- 5. Compliments, Comments and Complaints Handling Procedure
- 6. Procedures for Managing Unacceptable Performance
- 7. Information Sharing Guidelines
- 8. Criminal History Risk Assessment Form
- 9. Volunteer Management Policy
- 10. Volunteer Management Procedure

9. Approval and History

| Version | Approval Date | Approval By | Change |
|---------|---------------|---------------------|--|
| 1 | 2008 | Council (2008/1169) | |
| 2 | 2011 | Council (2011/413) | |
| 3 | 2013 | Council (2013/1686) | |
| 4 | 2015 | Council (2015/748) | |
| 5 | 2018 | Council (2018/2538) | |
| 6 | 2019 | Council (2019/0166) | |
| 7 | 2023 | Council (0493/2023) | Updated in new template. Policy updated to ensure processes are in place to ensure City of Salisbury statutory obligations and ensure they align with the National Principles. |

10. Availability

- 10.1 The Policy is available for employees and volunteers on the Intranet
- 10.2 The Policy is available from Council's website - www.salisbury.sa.qov.au
- 10.3 The Policy will be available for inspection at the Civic Centre during ordinary business hours.

City of Salisbury Community Hub 34 Church Street, Salisbury SA 5108
Telephone: 84068222
Email: city@salisbury.sa.qov.au

11. Review

- 11.1 This Policy will be reviewed:
 - At least once in every 5-year period.
 - A new compliance statement will be lodged with the Department of Human Services each time the policy is reviewed or updated.

12. Further Information

12.1 For further information on this Policy please contact

Responsible Officer: Manager People and Culture

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