Safe Environment Policy

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Review Frequency	4 yearly within twelve months of new term of Council or as required
Status	Statutory
Last Reviewed	3 April 2023 (resolution ref: C23124) 28 September 2023 (Administration changes – as directed by Department Human Services) 25 September 2026 – Administrative Update (Update to Employee Definition)
Next Review Due	April 2027
Document Record	ECM ID – 5853430 ReliantSys Policy ID – 17052
Responsible Division	Community - Community Connection and Activation
Related Documents	Complaint Policy Complaint Handling Procedure Risk Management Framework Safe Environment Code of Conduct Safe Environment Reporting Procedures Safe Environment Screening Guidelines
Applicable Legislation	Aged Care Act 1997 Ageing and Adult Safeguarding Act 1995 Child Safety (Prohibited Persons) Act 2016 Children and Young People (Safety) Act 2017 Criminal Law Consolidation Act 1935 Children and Young People (Safety) Regulations 2017 National Principles for Child Safe Organisations 2018 Disability Services Act 1993 WHS Act 2012 Section Criminal Law Consolidation Act 1935

1. Purpose

1.1 Alexandrina Council (Council) is committed to the safety and wellbeing of children and young people and vulnerable people who access services and programs.

1.2 Council supports the rights of children and young people and vulnerable people in the community and will act without hesitation to ensure a safe environment is maintained at all times. Council will support the rights and wellbeing of our employees and encourage their active participation in building and maintaining a safe environment for all.

1.3 In addition to the moral obligation to address any harm to children and young people, the *Children and Young People (Safety) Act 2017* (Safety Act) places a legal obligation on Councils to ensure all children and young people are safe from harm.

1.4 This Policy aims to ensure the Council organisation and facilities are safe environments for children and young people and vulnerable people and that they are protected from harm or risk of harm. This Policy 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 and vulnerable people at all times.

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2. Scope

2.1 This Policy will apply to Council Members, employees, volunteers, contractors, consultants, students on placement, work experience students and any others providing services wholly or partly to children, or who work near or around children and young people and vulnerable persons.

2.2 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 Council Members, employees, volunteers, contractors, consultants, parents, carers and children and young people and vulnerable people where relevant.

3. Legal Obligations

3.1 Child Safe Environments

3.1.1 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.
- Mandatory reporting obligations (as set out in Chapter 5, Part 1 of the Act) are complied with.

3.1.2 The policies and procedures must comply with the National Principles for Child Safe Organisations.

3.2 Mandatory Reporting

3.2.1 Section 31(1) 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;
- 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.

3.2.2 Other 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 and young people. Mandated notifiers have a legal obligation to report any suspicion of harm or risk of harm of a child to the Child Abuse Report Line (CARL) (telephone 24 hours a day, 7 days a week on 13 14 78) or online at Department for Child Protection - https://www.childprotection.sa.gov.au/reporting-child-abuse/report-child-abuse-or-neglect.

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3.2.3 Position titles within Council that are identified as mandated notifiers will be noted on the job description and training requirements will be recorded and updated on personnel files.

3.3 Adult Safeguarding Unit

3.3.1 Government of South Australia, SA Health, has a dedicated service that can respond to the concerns about adults who may be vulnerable and experiencing abuse or mistreatment.

3.3.2 The Adult Safeguarding unit provides free confidential advice, information and support. They also take report of actual or suspected abuse of an adult who may be vulnerable.

3.3.3 If a report is received by the Unit it must assess the report and take action as outlined in the *Ageing and Adult Safeguarding Act 1995*.

Reports to the Unit can be made by:

- Phoning 1800 372 310,
- Emailing adultsafeguardingunit@sa.gov.au; or
- Via their website sahealth.sa.gov.au and following the links to the Adult Safeguarding unit.

4. Statement of Commitment to the Safety and Protection of Children and Young People and Vulnerable Persons

4.1 Alexandrina Council is committed to building and maintaining environments where children and young people and vulnerable people are protected, respected, valued, heard, and encouraged to reach their individual potential. Our commitment to create safe environment is underpinned by the "National Principles for Child Safe Organisations" and "Charter of the Rights and Freedoms of Vulnerable Adults" as follows:

- Child safety and wellbeing is embedded in organisational leadership, governance, and culture.
- Children and young people and vulnerable people are informed about their rights, participate in decisions affecting them and are taken seriously.
- Families and communities are informed and involved in promoting child safety and wellbeing.
- Equity is upheld and diverse needs respected in policy and practice.
- People working with children and young people and vulnerable people are suitable and supported to reflect safety and wellbeing values in practice.
- Processes to respond to complaints and concerns are suitably focused.
- Employees and volunteers are equipped with the knowledge, skills, and awareness to keep children and young people and vulnerable people safe through ongoing education and training.

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- Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people and vulnerable people to be harmed.
- Implementation of the national child safe principles is regularly reviewed and improved.
- Policies and procedures document how the organisation is safe for children and young people and vulnerable people.
- Bullying and harassment will not be tolerated.

5. Definitions

CEO means anyone appointed or acting in the role of Chief Executive Officer at the Council.

Child, children or young person means persons under 18 years of age.

Council means Alexandrina Council as a corporate entity.

Council Member refers to a person who has been elected to a position on Alexandrina Council's governing body.

Complainant means a person who makes a complaint.

Contractors includes any supplier, provider or business and their employees that provides services to the Council.

Elder Abuse refers to all aspects of abuse, that is, neglect, physical, emotional, psychological and sexual.

Employee means any person employed or engaged by Council, or who carries out work for or on behalf of Council, in any capacity. This includes people employed directly by Council on a full-time, part-time, casual, permanent, fixed-term, temporary or contractual basis, as well as apprentices, trainees, secondees, volunteers, work experience students, contractors, subcontractors, employees of contractors or subcontractors, labour hire workers, consultants, other authorised personnel, and any other person providing services to, or on behalf of, Council, whether or not they are employed by another party.

Harm refers to any detrimental effect of a significant nature on a child's or vulnerable person's physical, psychological or emotional well-being. Harm may be caused by physical or emotional abuse, neglect, and/or sexual abuse or exploitation.

Mandated Notifier means any person who is an employee of the Council who:

- Provides services directly to children and young people and/or vulnerable people
- Holds a management position within the Council, which includes direct responsibility for, or direct supervision of, the provision of services directly to children and young people and vulnerable people.

Prescribed Positions refers to position that involves one or more Prescribed Functions.

Reasonable Grounds of Suspicion is suspicion that a 'reasonable person' in the same circumstances would form regarding harm or risk of harm to a child/young person.

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Employees will not be required to 'prove' that harm or risk of harm to a child or vulnerable person has actually occurred. Rather, Employees will have to demonstrate that they formed a suspicion on 'Reasonable Grounds'.

Reporting Agency includes:

- Child Abuse Report Line (CARL) (telephone 24 hours a day, 7 days a week on 13 14 78) or online at Department for Child Protection. All serious concerns must be reported via CARL 13 14 78 and not the online system.
- National Disability Abuse and Neglect Hotline: 1800 800 052.
- Aged Rights Advocacy Service: 8232 5377 or online at Aged Rights Advocacy Service.
- South Australian Police Emergency Line 000 if a child or young person is at immediate risk or requires medical attention.
- Adult Safeguarding Unit 1800 372 310.
- Appropriate steps to be taken in regard to reporting is outlined in Safe Environment Procedure.

Risk refers to:

- A child or young person or vulnerable person has suffered harm (as defined).
- There is a likelihood that the child or young person or vulnerable person will suffer harm.
- Any other circumstances defined by relevant legislation.

Vulnerable Person/People refers to an adult who may be at risk of harm or exploitation due to their dependency on others or experiences of disadvantage and could include people with a disability, the frail aged, and people from culturally and linguistically diverse backgrounds, refugees and those living in poverty.

Workers means, employees, contractors and volunteers engaged by Alexandrina Council.

Working with Children Check means an assessment of whether a person poses an unacceptable risk to children and young people. As part of the process, the Department of Human Services Screening Unit will look at criminal history, child protection information and other information. People (over the age of 14 years) working with or volunteering with children and young people in South Australia must by law have a valid, 'Not Prohibited' Working with Children Check.

6. Policy

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

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6.2 The Safe Environment Policy and associated documents will be communicated through Council's inductions programs to all relevant audiences to ensure awareness and understanding of Council's commitment to ensuring a safe environment for all.

6.3 The responsibilities of consultants, contractors and subcontractors engaged by Council to provide services to children, young people and other vulnerable persons will be included with in their Professional Service Agreement.

6.4 Risk Management Strategy

6.4.1 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 may include and are not limited to human resources, activities and programs, record keeping, physical spaces and organisational culture.

6.4.2 Identified risks for activities and services provided for children, young people and vulnerable persons shall be documented and evaluated as part of the organisation's Risk Management Framework.

6.5 Code of Conduct

6.5.1 All Council Members and employee must adhere to the Alexandrina Council's Safe Environment Code of Conduct which specifies standards of care when dealing and interacting with children, young and vulnerable people.

6.5.2 They shall:

- Respect that all children and young people or vulnerable persons accessing Council's services have a right to feel and be safe.
- Treat all children and young people or vulnerable persons with dignity, equality, and respect.
- Be aware and responsive to the particular needs and vulnerabilities of children and young people (such as age, language barriers, developmental capabilities, disability, or mental health).
- Be alert to children and young people who may be at risk of harm and report it to the Child Abuse Report Line (CARL on 13 14 78).
- Encourage children and young people and vulnerable persons to 'have a say' on issues that impact on their care or support.
- Ensure that children and young people and vulnerable persons and their families know their rights and how to access the complaints procedures available to them.
- Ensure a physically and socially safe environment for children and young people and vulnerable persons that are free of any identifiable hazards.

6.5.3 Employees and volunteers must not:

- Engage in rough physical games.

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- Develop any 'special' relationships with children and young people that could be seen as favouritism such as the offering of gifts or special treatment.
- Do things of a personal nature that a child or young person can do for themselves, such as toileting or changing clothes.
- Discriminate against child or young person because of age, gender, cultural background, religion, vulnerability or sexuality.

6.5.4 The Code is supported by Council's complaints procedures which is accessible via Council's website to address breaches of the Code. For more information about these procedures, contact Governance or Human Resources.

6.6 Recruitment, Selection and Induction of Employees

6.6.1 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.

6.6.2 Applicants for prescribed positions will be screened for their suitability to provide services. Screening will involve Working with Children checks, interviews that include behavioural questions in relation to child safeguarding, at least two referee reports, checking qualifications and previous employment history in working with children and young people. Employees/volunteers recruited to Council will obtain a current, 'Not Prohibited' Working with Children Check issued by the Screening Unit of the DHS prior to working with children and young people, with results verified by Council's HR team in the DHS Screening Unit Portal.

6.6.3 For existing employees, the Council's HR team will verify they renew their Working with Children Check every 5 years and the status remains as not prohibited.

6.6.4 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.

6.6.5 All employee and volunteer induction programs shall include orientation of this Policy, Code of Conduct, risk management strategy and mandatory reporting.

6.6.6 All new employees and volunteers will receive a copy of the Safe Environment documents and details of mandatory reporting requirements and will be guided through the application of these policies and procedures during their induction program.

6.7 Ongoing Training of Employees

6.7.1 Council shall offer continuous development opportunities, training, and refresher training, around safe environments to relevant employees and also provide support in making mandatory notifications where required. ''Safe

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Environments for Children and Young People: Through Their Eyes' training will be undertaken within a 3-year period for all prescribed positions and all employees will have access to web-based resources about issues concerning child safety and wellbeing.

6.7.2 Council will ensure that employees who work with children and young people or who have access to their personal records have ongoing support and training to develop, enhance and maintain a child safe environment.

6.8 Recognising and Reporting suspected Harm or Risk of Harm

6.8.1 Employees who provide services wholly or partly for children and young people and or vulnerable people have a duty to ensure that children and young people and vulnerable people be kept safe from harm and risk of harm.

6.8.2 A person who suspects on reasonable grounds that a child is, or may be, at risk of harm is required to report that suspicion.

6.8.3 Prescribed positions within the organisation shall be trained and made aware about their legal obligation to report a reasonable belief that a child has been harmed or is at risk of harm through Child Abuse Report Line (CARL) on 13 14 78 as soon as practicable or if at immediate risk, report to South Australia Police on 000. In cases involving Aboriginal children and young people, support is provided by Yaitya Tirramangkotti - an Aboriginal team, via the CARL number.

6.8.4 The individual who identifies the harm or risk of harm is the person who makes the report to CARL/SAPOL and this is not reported internally for another employee to determine if it is a reportable matter. The Council will be guided by the relevant authority (CARL/SAPOL) about whether an internal investigation is appropriate.

6.8.5 Non-mandated notifiers are encouraged to make voluntary reports about harm or risk of harm to a child or young person.

6.8.6 While there are no mandatory requirements to report incidents that do not involve children, the organisation will report any harm or suspected risk of harm of vulnerable adults to the Ageing and Adult Safeguarding Unit.

6.8.7 Council will collaborate and consult with other relevant agencies, where possible, in matters concerning the protection of children and young people and vulnerable people from harm and the risk of harm.

6.8.8 Failure to report a reasonable suspicion that a child or young person has or is being harmed or is at risk of harm is in breach of the Safe Environment Policy and may result in disciplinary action being initiated against the concerned employee.

6.8.9 All Council's adult employees, volunteers etc have a legal obligation to report child sexual abuse to the police and to protect a child from sexual abuse, failure to report suspected child sexual abuse as set out in section 64A of the *Criminal Law Consolidation Act 1935* now carries a maximum penalty of *Imprisonment for 3 years*.

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6.8.10 While if found guilty of failure to protect a child from sexual abuse as set out in section 65(1) of the *Criminal Law Consolidation Act 1935* as a prescribed person has a maximum penalty of *Imprisonment for 15 years*.

7. Review and Evaluation

7.1 Participation of families, children and young people

7.1.1 Council will consult with and encourage feedback from children, young people and their families by:

- Making sure they are involved and included in community consultation (A2040 strategic planning / Village Conversations).
- Invitations to participate in focus groups.
- Brochures available and visible in Council facilities (ie: National Office for Child Safety).
- Ensuring the complaints process is displayed in areas used by children and young people (based on National Office for Child Safety brochure).

7.2 Within twelve (12) months of each new Council term, Council will review this policy. Following this initial review, the policy will be reviewed annually by Employees with minor administrative adjustments being approved by the Chief Executive Officer.

7.3 A new compliance statement will be lodged with the DHS each time the Policy is reviewed/updated.

8. Availability of Policy

8.1 This Policy will be available for inspection on the Council's website www.alexandrina.sa.gov.au

8.2 Copies of this Policy 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.

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