

# Safe Environments: Children & Young People Policy



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Responsible Officer	Chief Executive Officer
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## 1. Purpose

The purpose of this policy is to ensure:

- 1.1 Mid Murray Council (Council) is committed to the safety and wellbeing of children and young people who access our services. Council supports the rights of children and young people in the community and will act accordingly to ensure a safe environment is maintained at all times. Council supports our workers and volunteers to encourage their active participation in building and maintaining a secure environment for all children and young people.
- 1.2 This Policy complies with the child safe provisions of *Children and Young People (Safety) Act 2017* and aims to ensure that Council considers and minimises risk of harm for children and young people and that they are protected from harm and risk of harm.
- 1.3 This Policy also aims to ensure that all relevant Council workers, volunteers, contractors and consultants are aware of their relevant duty of care responsibilities for the protection, safety and wellbeing of children and young people at all times.

## 2. Definitions

For the purpose of this policy, the following definitions apply:

- 2.1 **Abuse:** refers to all aspects of abuse, that is, neglect, physical, psychological, emotional and sexual.
- 2.2 **At risk:** there is a likelihood that a child or young person will suffer harm (being harm of a kind against which a child or young person is ordinarily protected).
- 2.3 **Children/Child/ Young people:** A person under the age of 18.
- 2.4 **Council staff member;** means any person that carries out work in any capacity for a person conducting a business or undertaking, including work as—
  - 2.4.1 an employee; or
  - 2.4.2 an elected member; or
  - 2.4.3 a contractor or subcontractor; or
  - 2.4.4 an employee of a contractor or subcontractor; or

- 2.4.5 an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or
- 2.4.6 an outworker; or
- 2.4.7 an apprentice or trainee; or
- 2.4.8 a student gaining work experience; or
- 2.4.9 a volunteer; or
- 2.4.10 a person of a prescribed class
- 2.5 **DCP:** means Department of Child Protection.
- 2.6 **Harm:** includes physical and psychological harm caused by sexual, physical, mental or emotional abuse or neglect (noting Psychological harm does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life).
- 2.7 **Mandated notifier:** Section 30 of the *Children and Young People (Safety) Act 2017* establishes that the following people are mandated notifiers:
  - employee of, or volunteer in, an organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children or young people, being a person who:
    - provides such services directly to children or 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 or young people
  - officer or employee of a prescribed organisation (as per section 114) who holds a management position in the organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services to children.
- 2.8 **Mandatory reporting obligation:** is the legislated requirement to report specific suspicions or incidents of harm, abuse or neglect on children or young people.
- 2.9 **Regarding children** - any person 18 years or older, in a Prescribed Position must report any suspicion of harm or risk of harm of a child to the Department for Child Protection 24 hour Child Abuse Report Line (CARL) - 13 14 78, or online electronic notification through E-CARL. Note that any serious concerns should be reported by telephone via CARL – 13 14 78, or if at immediate risk, report to South Australia Police (SAPOL) on 000.
- 2.10 **Prescribed position:** is a position in which a person works with children, including people who:
  - 2.10.1 Provide a service or undertake an activity that is child related work in the course of their employment;
  - 2.10.2 Carry out a business in which an employee works with children;
  - 2.10.3 Prescribed positions may be held by employees, volunteers, contractors, or elected members.
- 2.11 **Unsuitable person** - An individual who has not met or maintained the required suitability for engagement with and/or participation in a Council facilitated activities with children and young people.
- 2.12 **Working with children check (WWCC)** means a working with children check under the [Child Safety \(Prohibited Persons\) Act 2016](#). A Working with Children Check is an assessment of whether a person poses an unacceptable risk to children. As part of the process, the Screening Unit will look at criminal history, child protection information and other information.

### 3. Policy

#### 3.1 Commitment to the safety of children and young people

- 3.1.1 Council is committed to the safety of children and young people and will ensure that they are valued, respected and encouraged to participate and that their safety and protection is always the first priority.

- 3.1.2 This policy complies with *Children and Young People (Safety) Act 2017*, *Child safety (Prohibited Persons) Act 2016* and the [National Principles for Child Safe Organisations](#).
- 3.1.3 Council is committed to diversity and inclusion and encourages and welcomes all children and young people regardless of their abilities, ethnicity , gender or social economic background and equity is upheld.
- 3.1.4 Council will not tolerate bullying or harassment and has information about services, to assist children and young people, on display in our facilities where children and young may access services or participate in activities. This includes the Kids Helpline - 1800 55 1800.

### **3.2 Scope**

- 3.2.1 The Policy is applicable to Council staff members, who provide services to children and young people across all of Mid Murray Council sites including but not limited to:
- Library programs and events
  - School holiday programs and events
  - Community and cultural programs and activities
  - Recreation & Leisure centre activities and programs
  - Swimming centres
  - Museums, boats and other tourism activities
- 3.2.2 Council will require all Council staff members (who work with children), to abide by and act in accordance with this Policy. This Policy will be provided as part of the Council's induction process and updated as required. Furthermore, The Policy will be available on Council's intranet and website.

### **3.3 Participation of families, children and young people.**

- 3.3.1 Workers and volunteers encourage children and young people to participate in activities and services and are expected to clearly communicate at all times, using age and developmentally appropriate and culturally safe language, ensuring that children and young people know how to report any concerns or feedback.
- 3.3.2 Workers and volunteers will consider the most appropriate way of consulting with specific groups and utilise a variety of tools and engagement techniques, including online and hardcopy surveys, as well in informal feedback from children, young people and parents where applicable.

### **3.4 Confidentiality and privacy of children and young people**

- 3.4.1 Maintaining the privacy and confidentiality of children and young people who participate in our services is paramount in ensuring their safety and wellbeing. Any issues relating to suspected or alleged harm to children and young people is highly sensitive and must be treated in such away. All records are stored in accordance with Council's [Privacy Policy](#).
- 3.4.2 The release of images of a child or young person to the public has the potential to adversely impact their safety and well-being as it could disclose their whereabouts to a potential perpetrator. As such, Council will obtain consent from a child or young person, and their parent/guardian before taking an image of the child.
- 3.4.3 When gaining consent, the child or young person and their parent/guardian are informed about the nature of the use of the image, how the image will be stored and their rights to withdraw consent for its use. The parent/guardian can access the image.
- 3.4.4 All images are held and stored in accordance with the Council's *Privacy Policy*.

### **3.5 Code of conduct**

- 3.5.1 All Council staff members (who work with children), will be required to comply with the Child Safe Code of Conduct for Employees and Volunteers. This Code of Conduct is endorsed by Council and sets out standards of conduct when providing services to children. The Code of Conduct is provided on induction and when updated and is available at Council Offices and online via Council's Website and Intranet.

- 3.5.2 Breaches of the Code of Conduct can be reported to Council's Child Safe Officer - 08 8569 0100 or by following Council's Complaints Procedure. Breaches of the code and supporting processes will be managed in accordance with Council's Human Resource Management Policy, supporting Policies and Procedures and/or relevant industrial relations instruments or legislation.

### **3.6 Recruitment**

- 3.6.1 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. Applicants for prescribed positions will be screened for their suitability to provide services. Screening will involve a Working with Children Check, verified through the Screening Unit online organisational portal, criminal history screening, face to face interviews and at least two referee checks checking qualifications and previous employment history in working with children.
- 3.6.2 Council provides a thorough induction process for new workers and volunteers and where appropriate for contractors and consultants working with children, to ensure that responsibilities to children and young people is clear, including record keeping, information sharing and reporting obligations.
- 3.6.3 If Council becomes aware of any relevant information, including but not limited to: any serious criminal offence, child protection information or disciplinary or misconduct information regarding a person involved in Council, that information will be provided to the Department of Human Services Screening Unit.
- 3.6.4 All employees and volunteers working as mandated notifiers will complete required training relevant to their position that will provide them with the knowledge of their duty of care responsibilities for the protection, safety and wellbeing of children and young people.. Mandated notifiers are kept on a Council register to ensure that training and revision training (where required) has been completed prior to working with children and young people.

### **3.7 Supervision, training and support for employees and volunteers**

Council will provide appropriate training, supervision and ongoing support to all current and new workers and volunteers to maintain a child safe environment. A training register is kept and all workers and volunteers are required to complete the following:

- Full induction training
- Supported probationary period
- Training needs analysis
- Training appropriate to roles and responsibilities
- Training according to relevant legislation, within advised timeframes to ensure currency is maintained
- Access to Employee Assistance Program
- Managerial support for staff and volunteers
- Council staff members, who provide services to children and young people, will be required to complete the Safe Environments Training – “Through Their Eyes” as is considered best practice in the National Principles for Child Safe Organisations.

### **3.8 Reporting and responding to harm or risk of harm**

3.8.1 Council has a number of mandated notifiers, these include:

- Chief Executive Officer
- Community Services workers and volunteers
- Tourism workers and volunteers
- Human Resources, Governance and Risk Management workers
- Any other worker or volunteer who works with children and young people

- Council's mandated notifiers understand their legal obligation to report a reasonable belief that a child or young person has been harmed or is at risk of harm.
- 3.8.2 A failure by a mandated notifier to report a suspicion formed on reasonable grounds that a child or young person is, or may be at risk, may result in a person being prosecuted and a court imposing a fine. See section 31(1) of the *Children and Young People (Safety) Act 2017*.
- 3.8.3 Non-mandated notifiers are encouraged to make voluntary reports about harm or risk of harm to a child or young person.
- 3.8.4 Reports regarding reasonable belief that a child or young person is, or may be at risk of harm are to be made to the Child Abuse Report Line (CARL) on 13 14 78 or if at immediate risk, report to South Australia Police (SAPOL) on 000.
- 3.8.5 It is acknowledged that the individual who identifies the harm or risk of harm is the person who makes the report to CARL or SAPOL and does not report internally for another staff member to determine if it is a reportable matter.
- 3.8.6 Council will be guided by the relevant authority (Department of Child Protection/SA Police) about how to proceed after a notification.
- 3.8.7 The *Criminal Law Consolidation Act 1935*, section 64 A states:

**64A—Failure to report suspected child sexual abuse**

- (1) *A prescribed person is guilty of an offence if the person knows, suspects or should have suspected that another person (the abuser)—*
- (a) has previously engaged in the sexual abuse of a child while an employee of the institution or, if the prescribed person provides out of home care, while also providing out of home care, and—*
    - (i) the child is still under the age of 18 years; or*
    - (ii) the abuser is still an employee of the institution or another institution or still provides out of home care; or*
    - (iii) the sexual abuse occurred during the preceding 10 year period; or*
  - (b) is an employee of the institution or, if the prescribed person provides out of home care, is providing out of home care, and is engaging, or is likely to engage, in the sexual abuse of a child,*
- and the prescribed person refuses or fails to report that to the police.*
- Maximum penalty: Imprisonment for 3 years.*
- Criminal Law Consolidation Act 1935, Section 65 states:*

**65—Failure to protect child from sexual abuse**

- (1) *A prescribed person is guilty of an offence if—*
- (a) the prescribed person knows that there is a substantial risk that another person (the abuser) who is also an employee of the institution or, if the prescribed person provides out of home care, who is also a provider of out of home care, will engage in the sexual abuse of a child—*
    - (i) who is under 17 years of age;*
    - (ii) or in relation to whom the abuser is in a position of authority; and*
  - (b) the prescribed person has the power or responsibility to reduce or remove that risk but negligently fails to do so.*
- Maximum penalty: Imprisonment for 15 years.*
- 3.8.8 Council has processes within its Child Safe Code of Conduct- for Employees and Volunteers, to respond to the reasonable belief that a child or young person has been, or may be, at risk of harm by a member of the organisation, following a report having been made to the authorities, to ensure the ongoing safety to all children and young people.
- 3.8.9 After a report has been made, Council will ensure that children and families receive appropriate support, such as referral to suitable support services.

- 3.8.10 Staff and volunteers have access to the Employee Assistance Program should they require support following a report to CARL/SAPOL.

### 3.9 Reporting and responding to general complaints or feedback

- 3.9.1 Council welcomes general complaints and feedback as a way of improving its services and programs as well as providing an opportunity to put things right. The following steps are to be followed by staff to ensure complaints are dealt with efficiently and effectively:

- Acknowledge complaints promptly
- Assess the complaint - simple problems may not need to be investigated
- Plan the investigation where one is warranted
- Investigate the complaint
- Respond to the complainant with a clear decision (uphold grievance or uphold Council action)
- Follow up any customer service concerns
- Consider whether there are systemic issues which need correction.

- 3.9.2 Further information can be found in Council's *Complaints Policy* and *Complaints Procedure* documents which are available to be downloaded free of charge from Council's [website](#).

### 3.10 Risk Management

- 3.10.1 Council maintains frameworks consistent with guidelines and principles of risk management to International Standards ISO31000:2018.
- 3.10.2 Council has a comprehensive *Child Safe Environments Risk Management Plan* which is regularly reviewed.
- 3.10.3 Council employees are expected to conduct individual risk assessments prior to activities and services that involve children and young people and tailor that assessment according to the activity and specific risks and consequences. Risk assessments are Council documents and stored securely in our Skytrust System.

### 3.11 Communication

All staff are to be notified of this Policy and associated Procedures and kept informed of any updates and/or changes. Relevant staff are to be trained in the use of this Policy and associated Procedures.

## 4. Policy Responsibility

The Chief Executive Officer is responsible for ensuring the proper operation of this Policy.

## 5. Availability/Accessibility

- 5.1 This Policy and Council's Fees and Charges Register are available to be downloaded free of charge from Council's [website](#).
- 5.2 This Policy is available for inspection at Council's principal office during ordinary business hours. Hard copies, for a fee in accordance with Council's schedule of Fees and Charges, can be provided upon request.

## 6. Legislative Framework / Other References

- 6.1 *Children and Young People (Safety) Act 2017*
- 6.2 *Children and Young People (Safety) Regulations 2017*
- 6.3 *Child Safety (Prohibited Persons) Act 2016*
- 6.4 *Child Safety (Prohibited Persons) Regulations 2019*
- 6.5 *Local Government Act 1999*

- 6.6 *Criminal Law Consolidation Act 1935*
- 6.7 *National Principles for Child Safe Organisations*
- 6.8 *Privacy Policy*
- 6.9 *Child Safe Environments Code of Conduct for Employees and Volunteers*
- 6.10 *Complaints Policy*
- 6.11 *Complaints Procedure*
- 6.12 *Child Safe Risk Assessment*
- 6.13 *Social Media Policy*

## 7. Document History

This Policy shall be reviewed at least every five (5) years or more frequently if legislation or Council requires, this process will include the lodgement of a new compliance statement with DHS.

Version	Adopted	Minute	Description of Change
1	10 October 2017	19854/2	Policy Adopted
	January 2018		Updated to new policy format, content of policy unchanged
2	20 June 2023	C06-23/015	Updated to new format, renamed from Safe Environments, Children and Other Vulnerable People Policy, changes made throughout the policy to meet current legislation and criteria.