

<b>Policy Section:</b>	<b>1. Corporate Governance</b>
<b>Policy Name:</b>	<b>Safe Environment</b>
<b>Classification</b>	<b>Public – Council Policy</b>
<b>Adopted:</b>	<b>12 July 2016 (Corporate and Community Services Committee)</b>
<b>Frequency of Review:</b>	<b>Biennial</b>
<b>Last Review:</b>	<b>May 2018</b>
<b>Next Review Due:</b>	<b>November 2018</b>
<b>Responsible Officer(s):</b>	<b>Chief Executive Officer</b>
<b>Policy Manual File Ref:</b>	<b>CC10/2601</b>
<b>Council File Reference:</b>	<b>CR18/43574</b>
<b>Legislation Authority:</b>	<b>Children’s Protection Act 1993 (SA) Child Protection Regulations 2006 (SA) Racial Discrimination Act 1975 Equal Opportunity Act 1984 Sex Discrimination Act 1984 Disability Discrimination Act 1992 Criminal Law Consolidation Act 1935 Work Health and Safety Act 2012 Whistleblower Protection Act 1993 (SA)</b>
<b>Related Policies:</b>	
<b>Related Procedures:</b>	<b>N/A</b>

## 1. BACKGROUND

- 1.1 This Policy is written to state the commitment of Council to establishing and maintaining a safe environment to promote and enhance the safety and welfare of children, young people and other vulnerable community members that access our services.
- 1.2 This Policy reflects Council’s commitment to provide an environment where every person has the right to be treated with respect and is safe and protected from harm.
- 1.3 This Policy will assist in developing and maintaining systems to minimise the risk of harm resulting from the delivery of Council services and programs. It will also assist in the reporting of suspected abuse offences against children, young people and other vulnerable people.

### 2. LEGISLATIVE REFERENCE

#### 2.1 Children's Protection Act 1993

2.1.1 This Policy complies with our obligations under the Children's Protection Act 1993 - Sections 8 and 11.

2.1.2 Section 8A requires Council to comply with the Child Safe Environments: Principles of good practice and Child Safe Environments: Standards for dealing with information about the criminal history of employees and volunteers who work with children issued by the Chief Executive.

2.1.3 Section 8B requires that a criminal history screening is undertaken and returns a satisfactory result, for people occupying or acting in a prescribed position.

2.1.4 Section 8C (1) requires Council to have policies and procedures that emulate the Department of Human Services Standards to ensure:

2.1.4.1 Safe environments are established and maintained within the organisation.

2.1.4.2 Reports of suspected abuse or neglect are made.

2.1.5 Section 11 (2) prescribes mandated notifiers are obligated to notify the Department of Human Services if they suspect on reasonable grounds, that a child has been or is being abused or neglected and the suspicion is formed in the course of their work (paid or voluntary) or in carrying out official duties.

#### 2.2 Other Acts

2.2.1 The Sex Discrimination Act 1984, Disability Discrimination Act 1992, Racial Discrimination Act 1975 and Equal Opportunity Act 1984 make harassment and discrimination on the grounds of sex, marital status, sexuality, pregnancy, race, impairment and age unlawful in the provision of goods and services.

2.2.2 Sexual offences are set out in the Criminal Law Consolidation Act 1935 and include rape, indecent assault, sexual intercourse with a minor and sexual abuse.

2.3 Within the terms of the above legislation, Council is responsible for its own conduct as well as the conduct of its employees, including unpaid volunteers.

### 3. DEFINITIONS

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

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

3.2 **Children (Child)** - refers to a person younger than 18 years of age.

- 3.3 **Criminal History Screening** - is the process of obtaining information about potential or current Council Members, employees, volunteers, contractors or consultants, where it is deemed relevant to working in a child, youth or vulnerable person related area. The information may include previous employment history, relevant experience, qualifications, professional registration, criminal history information, reference checks and work history reports.
- 3.4 **Mandatory Reporting Obligation** - any person 18 years or older, in a Prescribed Position must report any suspicion of abuse or neglect of a child to the Department of Human Services 24 hour Child Abuse Report Line (CARL) - 13 14 78.
- 3.5 **Prescribed Position** - refers to a position that requires or involves prescribed functions which involve any of the following:
- 3.5.1 Regular contact with children, young and/or vulnerable people (including aged care and frail aged) in close proximity (usually within eyeshot) on a regular basis (multiple working instances of contact of limited duration or fewer, extended and intense periods of contact which may be away from the person's usual environment).
  - 3.5.2 People who supervise/manage those in positions requiring or involving regular contact with children, young and/or vulnerable people (including aged care and frail aged) or in close proximity to them on a regular basis.
  - 3.5.3 Those who have access to personal records relating to children, young and/or vulnerable people (including aged care and frail aged).
  - 3.5.4 Functions of a type prescribed by regulation.
  - 3.5.5 Any employee or volunteer within a prescribed position will undertake the relative Department of Human Services Screening and obtain a satisfactory result prior to commencement.
- 3.6 **Vulnerable People** - refers to those who may be at risk of abuse or exploitation due to their dependency on others or experiences of disadvantage, and could include people with a disability, the frail aged, people from culturally and linguistically diverse backgrounds, refugees and those living in poverty.
- 3.7 **Young People** - aged between 18 and 25 years.

## **4. PRINCIPLES**

- 4.1 Council regards the interests of children, young and vulnerable people in our community as paramount and acknowledges that abuse is abhorrent, illegal and must not be tolerated or ignored. Whilst some factors are outside the control of Council, it is recognised that Council has a role to play in fostering a safe local environment and contributing to a whole of community effort towards the protection of children, young and vulnerable people from abuse.

- 4.2 Council Members, employees, volunteers, students on placement, contractors and consultants may all be involved in the delivery of services and programs from time to time or on an ongoing basis and will be required to comply with all Council policies, Code of Conduct for Employees or Volunteers and the Code of Conduct for Council Members.
- 4.3 Fostering the safety of children, young and other vulnerable people is a paramount consideration in the delivery of services and programs. Children, young and vulnerable people:
  - 4.3.1 Need to know they have the right to be safe from abuse at all times.
  - 4.3.2 Are entitled to basic human rights regardless of special needs, cultural or socioeconomic factors.
  - 4.3.3 Are deserving of respect, care and protection.
  - 4.3.4 Are entitled to the support of a responsible person if they experience or are at risk of harm.
- 4.4 Council commits to:
  - 4.4.1 Increasing awareness within the organisation about ensuring a safe environment where children, young and vulnerable people feel safe and protected from abuse.
  - 4.4.2 Maintaining a rigorous employee and volunteer recruitment and/or screening/selection process, this may include Department of Human Services Screening or Criminal History screening.
  - 4.4.3 Maintaining a regular check of existing employees in prescribed positions.
  - 4.4.4 Providing ongoing training and support to Council Members, employees, volunteers and all those involved in the delivery of services and programs to ensure they are able to fulfil their duty of care.
  - 4.4.5 Establishing supportive and responsive procedures for fulfilling mandatory reporting obligations and dealing with complaints and issues effectively as they arise.
  - 4.4.6 Operating in a spirit of cooperation and consultation with other relevant agencies in matters concerning protection of children, young and vulnerable people from abuse.
  - 4.4.7 Developing, monitoring, evaluating and reviewing risk management strategies to minimise harm to children, young and other vulnerable people. Areas of risk assessment will include human resources, activities and programs, record keeping, physical spaces and organisational culture.
  - 4.4.8 Providing training to develop, enhance and maintain a child safe environment.
  - 4.4.9 Developing and maintaining internal procedures and guidelines to assist in complying with this policy and the relevant legislation.

### **5. REVIEW AND EVALUATION**

The effectiveness of this Policy will be reviewed on a biennial basis.

The Chief Executive Officer will report to council on the outcome of the evaluation and if relevant make recommendations for amendments, alteration or substitution of a new Policy.

The Policy will not be altered or substituted so as to affect a process already commenced.

### **6. FURTHER INFORMATION**

Further information about this Policy can be obtained by:-

Telephone: 8522 9211

Email: [council@gawler.sa.gov.au](mailto:council@gawler.sa.gov.au)

Appointment: Town of Gawler Administration Centre, 43 High Street, Gawler East.

Letter: PO Box 130, Gawler SA 5118

### **7. AVAILABILITY OF POLICY**

The Policy is available for inspection during ordinary business hours at the Council principal office, Town of Gawler Administration Centre 43 High Street, Gawler East or is available on the Council website at [www.gawler.sa.gov.au](http://www.gawler.sa.gov.au).

A copy of this Policy will be provided to interested parties upon request, for a fee as contained in the Register of Fees and Charges.