

Policy No.	9.32
Version No.	1
Policy Adopted	February 2024
Next Review	January 2029
Record File No.	18.81.1.1

1. Introduction and Rationale

The District Council of Cleve (the **Council**) is committed to the safety and wellbeing of children, young people and vulnerable persons who access our services. We support the rights of the child, young people 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 Council Members, all employees, trainees, students on placement/work experience, relevant contractors, consultants and volunteers and encourage their active participation in building and maintaining a secure environment for all children, young people and vulnerable persons.

In addition to the moral obligation to address any harm or risk of harm to children, young people and vulnerable persons, amendments to the *Children and Young People (Safety) Act 2017 (SA)* (the **Safety Act**) places a legal obligation on councils (and all other organisations providing a service wholly or partly to children) to ensure all children and young people are safe from harm or risk of harm.

The *Child Safety (Prohibited Persons) Act 2016 (SA)* further requires that 'Working with Children Checks' are undertaken for people employed in prescribed positions.

This Policy aims to ensure that the District Council of Cleve, as an organisation, and its facilities, are safe environments for children, young people and vulnerable persons, and that they are protected from harm or risk of harm. This policy also aims to ensure that the Council Members, all employees, trainees, students on placement/work experience and where necessary, relevant contractors, consultants and volunteers are aware of their duty of care and responsibilities for the protection, safety and wellbeing of children, young people and vulnerable persons at all times.

2. Commitment to the Safety of Children and Young People – Refers to National Principles 1-10

The District Council of Cleve commits to ensure:

- That children, young people and vulnerable persons are valued, respected and encouraged to participate and that the safety and protection of children, young people and vulnerable persons is always the first priority;
- that 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;
- diversity e.g. all children, young people and vulnerable persons are embraced regardless of their abilities, sex, gender, or social economic or cultural background and equity is upheld;
- bullying and harassment will not be tolerated; and
- Information will be displayed about services that can assist children and young people (such as the Kids Helpline on 1800 551 800 and Youth Helpline on 1300 131 719) in areas (Public Toilets & Play Grounds) accessed by them.

3. Legal Obligations

Children and Young People Safe Environments

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; and
- Mandatory Reporting obligations (as set out in Chapter 5, Part 1 of the Safety Act) are complied with.

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

Mandatory Reporting and Responding to Harm or Risk of Harm – Refers to National Principle 6

Section 30(3) 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; 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.

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 a reasonable belief that a child or young person is, or may be, at risk of harm to the Child Abuse Report Line (CARL) (telephone 24 hours a day, 7 days a week on 13 14 78) or to SA Police on 000 if a child or young person is at immediate risk or online at <https://my.families.sa.gov.au/IDMProv/landing.html> In cases involving Aboriginal children and young people, support is provided by Yaitya Tirramangkotti – an Aboriginal team, via the CARL number. All serious concerns must be reported via the phone line, **not** via the online e-CARL portal.

The Council will ensure that the Council Members, Council Officers, employees, volunteers and relevant contractors and consultants providing services to and/or working with children and young people are aware of and are trained, and appropriately supported to report any suspicion of harm or risk of harm on reasonable grounds.

The person who identifies the harm or risk of harm is the person to make the report to CARL/SA Police.

The Department for Child Protection/SA Police will provide guidance on how to proceed after the notification.

If a report is made to CARL/SA Police an internal report to the Safe Environment Contact Officer or Chief Executive Officer is required immediately.

After a report has been made to CARL/SAPOL the Council will support the children, young people and their families by seeking guidance from either the Department for Child Protection or SA Police as to options of referral to other appropriate services.

4. Definitions

Child or young person means a person under the age of 18.

Vulnerable person means people aged under 18 or other individuals who may be unable to take care of themselves or are unable to protect themselves against harm or exploitation.

Complainant - person who makes a complaint.

Harm includes physical and psychological harm (whether caused by an act or omission), including harm caused by sexual, physical, mental or emotional harm or risk of harm or neglect.

Prescribed position is a position in which a person works with children and young people, or which it is reasonably foreseeable that the person will work with children and young people, including people who:

- Provide a service or undertake an activity that is child-related work in the course of their employment;
- Carry on a business in which an employee works with children (whether or not the person works with children); or
- Are employed to provide preschool, primary or secondary education to a child (whether or not the person is a registered teacher).

Prescribed positions may be held by employees, volunteers, contractors, persons undertaking educational / vocational training or Council Members.

National Police Check – a summary of an individual’s offender history in Australia and a record of their criminal history relating to convictions, finding of guilt or pending court proceedings.

Working with Children Check – People working or volunteering with children in South Australia must, by law, have a valid, not prohibited Working with Children Check. 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.

5. Application of this Policy

This Policy will apply to the Council Members, all employees, trainees, students on placement/work experience and where necessary, relevant contractors, consultants and volunteers providing services wholly or partly to children, young people and vulnerable persons or who work with or near children.

This Policy will be communicated to all relevant audiences, as part of their induction process, to acknowledge the commitment, awareness and understanding required when undertaking duties, services, and works on behalf of Council, in maintaining and ensuring a safe environment. This will include the Council Members, all employees, trainees, students on placement/work experience and where necessary, relevant contractors, consultants and volunteers, parents, carers, children and young people, where relevant.

6. Scope of Policy

The Council is committed to ensuring the organisation and its facilities are safe environments for children, young people and vulnerable persons.

The National Principles have been agreed to by all Australian Governments, which provide further guidance about what is involved in the standards and includes indicators of compliance.

As per the Safety Act, a new compliance statement will be lodged with the Department of Human Services each time the policy is reviewed/updated.

7. Communication – Refers to National Principles 2 and 3

Chapter 8 (Section 114(5)) of the Safety Act requires that an organisation must, on request provide a copy of the organisation's Child Safe Environment Policies and Procedures.

This Policy will be communicated to children, young people, vulnerable persons and their families or caregivers through:

- Publication on Council's Website

This Policy and all related documents and procedures form part of Council's recruitment and induction process.

8. Risk Management Strategy – Refers to National Principal 8

The Council will identify and assess potential sources of harm or risk of harm and take steps to decrease the likelihood that harm or risk of harm may occur to children, young people and vulnerable persons who use our services.

Areas of risk assessment will include human resources, activities and programs, record keeping, physical spaces, and organisational culture.

The Council, as part of our recruitment processes, will verify prospective new employees have a current, not prohibited Working with Children Check (WWCC).

Council will ensure, that all existing employees, working with children or young people have renewed their WWCC every 5 years and the status remains as not prohibited.

9. Codes of Conduct

The Mayor, Councillors, all employees, volunteers, students on placement/work experience and relevant contractors and consultants will be required to comply with the Working with Children Code of Conduct (the **Code**) (refer Attachment 2) which sets out standards of conduct when providing services to children, young people and vulnerable persons.

The Code is supported by Council's Grievance & Disciplinary Policy (Policy # 12.2) to address breaches of the same.

10. Recruitment, Selection and Enhancing Performance – Refer to National Principle 5

The 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, young people and vulnerable persons.

Applicants (over the age of 14 years) for prescribed positions will be screened for their suitability to provide services. Screening will involve Working with Children Checks issued by the Screening Unit for the DHS, interviews, referee reports, checking qualifications and previous employment history in working with children and young people.

The Council will then verify Working with Children Checks online. Including verify new employees have a current, not prohibited WWCC before employing them to work with children and for existing employees, will verify they have renewed their WWCC every 5 years, and the status remains as not prohibited. Verification will be done online through the Organisation Portal accessed via the DHS Screening Unit (see *Child Safety (Prohibited Persons) Act 2016, Section 17(1)(b) and Regulation 11(1)*).

Council will advise the DHS Screening Unit when it becomes aware of certain information regarding any person involved with Council, including any serious criminal offence, child protection information, or disciplinary or misconduct information.

11. Participation and Involvement in Decision Making – Refers to National Principles 2 and 3

Council will promote the involvement of children, young people and vulnerable persons in service development planning where relevant, and inform them of their rights and how to access grievance procedures where relevant.

Examples include use of age appropriate feedback forms, and inviting children, young people and vulnerable persons to be represented on a focus group or youth committee.

12. Supervision, Training and Support for Employees and Volunteers – Refers to National Principles 5 and 7

Council will implement training, on a 3 yearly basis to Mandated Notifiers throughout Council to attend a 'Safe Environments: Through Their Eyes' training course.

Council will include an induction process for the Council Members, all employees, trainees, students on placement/work experience and where necessary, relevant contractors, consultants and volunteers to receive a copy of this policy, including record keeping, information sharing and reporting obligations.

Council will support the Mayor, Councillors, all employees, trainees, students on placement/work experience and all those involved in the delivery of services and programs to ensure they are able to fulfil their duty of care and maintain their knowledge on Child Protection processes by reading and understanding the 'Mandatory Notification Information Booklet'.

Provide opportunities for professional development to build knowledge and skills regarding the wellbeing and development of children, young people and vulnerable persons.

Council will have at least one Safe Environment Contact Officer whose responsibilities will include:

- Promoting child safe and vulnerable person awareness within Council
- Ensuring that Council undertakes correct screening of the Council Members, all employees, trainees, students on placement/work experience and where necessary, relevant contractors, consultants and volunteers.

13. Reporting and Responding to general complaints or feedback – Refers to National Principle 6

Council has a Customer Complaints Policy (Policy # 2.2) that is available to members of the community for reporting of general complaints and feedback about the Council activities and/or services. The Customer Complaints Policy clearly outlines the process Council undertakes in investigating complaints.

The Policy and Procedure for lodging a complaint are available on Council's Website for easy access, or alternatively a copy may be requested from the Council Office, 10 Main Street, Cleve or by Phone: 08 8628 2004. The charge for a hard copy of the document is as approved by Council within its Fees and Charges Register, which is also available on the Council's Website www.cleve.sa.gov.au

14. Policy Review

Council will, at a minimum, review the policies and procedures once every 5 years as required by the *Children and Young People (Safety) Act 2017*, or in circumstances where:

- New or added risks are identified for children, young people or Vulnerable persons, which may require a change in the policy or procedures;
- A critical incident where a child, young or vulnerable person has experienced harm through involvement with Council services;
- Concerns are raised by anyone involved with Council about child safety or welfare within Council services;
- Awareness or compliance to the safe environments for children, young people and vulnerable persons policy;
- Legislative changes or requirements.

Council will lodge a new child safe environments compliance statement with the Department of Human Services each time this policy is reviewed and updated.

Further information

This policy is available for inspection at the District Council of Cleve principal office 10 Main Street, Cleve SA 5640 during ordinary business hours upon payment of the fee fixed by Council in accordance with Council's Fees & Charges. It is also available to be downloaded, free of charge, from Council's website: www.cleve.sa.gov.au

Responsible Department/Officer	Chief Executive Officer	
Applicable Legislation	Children and Young People (Safety) Act 2017 Children and Young People (Safety) Regulations 2017 Child Safety (Prohibited Persons) Act 2016 Child Safety (Prohibited Persons) Regulations 2019	
Related Documents – Refer National Principle 9	National Principles for Child Safe Organisations - https://childsafe.humanrights.gov.au/sites/default/files/2019-02/National_Principles_for_Child_Safe_Organisations2019.pdf	
Related Policies	<ol style="list-style-type: none"> 1. Policy 18.1 - Risk Management 2. Framework 18.2 - District Council of Cleve Risk Management 3. Policy 9.29 – Behavioural Management Policy 4. Policy 9.30 - Behavioural Management Standards for Elected Members 5. Policy 12.8 - Behavioural Standards - Employees 6. Policy 2.2 – Customer Complaints 	
Related Procedures	Customer complaints procedure	

Document History:

Version	Adopted	Description of Change
1		New Policy (see Archived Policy 9.26 – Safe Environments) – DHS Requirement/National Principles for Child Safe Organisations

ATTACHMENT A

WORKING WITH CHILDREN CODE OF CONDUCT - Refers to National Principles 4 and 6

1. Introduction

The Council is committed to ensuring that children, young people and vulnerable persons are treated with sensitivity, respect, fairness and dignity, within a welcoming and supportive environment that is free from all types of harm or risk of harm and inappropriate behaviour.

This Code has been drafted in accordance with section 114 of the South Australian's *Children and Young People (Safety) Act 2017* and the Council's Safe Environment for Children, Young People and Vulnerable Persons Policy.

This Code applies to the Council Members, all employees, trainees, students on placement/work experience and where necessary, relevant contractors, consultants and volunteers, children, young people, vulnerable persons, parents and carers who access Council services and any other persons engaged to provide any service wholly or partly to children, young people and vulnerable persons on behalf of the Council are required to comply with this Code.

The standards in this Code are consistent with those established by National Principals for Child Safe Organisations, and International Human Rights principles as enshrined within the United Nations Convention on the Rights of the Child.

Whilst this Code is unable to cover every foreseeable situation, the values, ethics and standards it sets are a reference point to assist in making decisions relating to situations not referred to in this Code.

This Code sets out the minimum standards of behaviour expected by the Council during any interactions with children, young people and vulnerable persons in accessing its services.

The Council's Safe Environment Contact Officer can be contacted for further information relating to the application of this Code or the Policy:

Karen Crosby or Jodie Blum
Safe Environment Contact Officer
Ph: 08 8628 2004
10 Main Street
CLEVE SA 5640

2. Supportive Behaviour

Council Members, all employees, trainees, students on placement/work experience and where necessary, relevant contractors, consultants and volunteers and any other persons engaged, and those who access, Council services must at all times:

- Treat children, young people and vulnerable persons with dignity, respect, sensitivity, fairness and equity;
- Ensure children, young people and vulnerable persons are protected from any form of harm or discrimination; and
- Ensure the environment is safe for children, young people and vulnerable persons, which includes protection from violence, bullying, teasing, threatening and sexist or racist remarks.

Role model positive behaviours, for example:

- Encourage children, young people and vulnerable persons to participate in decision making processes;

- Give constructive feedback to children and young people; and
- Ensure children, young people and vulnerable persons are aware of their rights, including their rights to respect, fairness and safety.

Council Members, all employees, trainees, students on placement/work experience and where necessary, relevant contractors, consultants and volunteers must be aware of their Mandatory Notification responsibilities and inform the Child Abuse Report Line (13 14 78) or report online at:

<https://www.childprotection.sa.gov.au/reporting-child-abuse>

Report to SA Police on 000 if a child is at immediate risk, or if they form a suspicion of harm or risk of harm or neglect.

Following any report made to the Child Abuse Report Line or SAPOL a report must then be made immediately to Council's Safe Environment Contact Officer or Chief Executive Officer.

3. Safe and Protective Work Practices

Council Members, all employees, trainees, students on placement/work experience and where necessary, relevant contractors, consultants and volunteers must adopt safe and protective work practices.

Council Members, all employees, trainees, students on placement/work experience and where necessary, relevant contractors, consultants and volunteers must be aware of potential situations and actions when working with children, young people or vulnerable persons that may be misinterpreted or misconstrued and adopt safe work practices. For example:

- Where possible work in an open and visible environment when with children, young people and vulnerable persons;
- Dress appropriately;
- Secure parental/guardian consent for excursions, or to obtain medical treatment for children and young people under 18 years if the need arises;
- Adopt a calm and non-judgmental attitude to allow children, young people and vulnerable persons to feel safe to raise complaints or concerns; and
- Where necessary, explain grievance procedures and avenues for complaint in simple and clear language that is appropriate to the age of the child or young person.

4. Unacceptable Behaviours

Unacceptable behaviours include the following:

- Any form of discrimination against a child, young or vulnerable person on the basis of ethnicity, culture, religion, gender, sexuality or on any other grounds;
- Hitting or physically assaulting a child, young or vulnerable person;
- Using language that is offensive, abusive or otherwise inappropriate;
- Showing preferential treatment to one child, young or vulnerable person over others;
- Shouting, yelling or speaking to a child, young or vulnerable person in an angry, intimidating or threatening manner;
- Engaging in rough physical play with children, young or vulnerable people;

- Unnecessary physical contact with children, young or vulnerable people. For example, giving a child, young or vulnerable person a hug may be culturally inappropriate, or it may be frightening or offensive to the child, young or vulnerable person;
- Condoning or participating in illegal or unsafe behaviours when working with children, young or vulnerable people;
- Making inappropriate self-disclosures relating to any participation (past or present) in illegal or unsafe behaviours. For example, past drug use should not be disclosed to or discussed with children, young or vulnerable people;

5. Breaches of Policy/Disciplinary Action

Council Members, all employees, trainees, students on placement/work experience and where necessary, relevant contractors, consultants and volunteers have a responsibility for promoting and supporting these values and standards of behaviour.

Where Council Members, all employees, trainees, students on placement/work experience and where necessary, relevant contractors, consultants and volunteers are found to have acted outside of this Code, they will be subject to disciplinary action commensurate with the seriousness of their actions. This disciplinary action may take the form of a warning, counselling or termination of their employment or contract for services.

Breaches of this Code will be investigated on a case-by-case basis and in accordance with the Council's Complaints Handling Policy.

6. Reporting

Council Members, all employees, trainees, students on placement/work experience and where necessary, relevant contractors, consultants and volunteers, and those accessing Council services, have a role in supporting this Code by raising their concerns with the Safe Environment Contact Officer, or their Manager or the Chief Executive Officer.

Any questions of compliance raised by Council Members, employees, or a member of the community regarding the Code will be considered by the Chief Executive Officer.

If you have any concerns or questions regarding this Code, you should discuss these with the Safe Environment Contact Officer, your manager or the Chief Executive Officer.