

	<h2 style="text-align: center;"><i>Children and Young Adult Safety Policy</i></h2>
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Related Policies or Documents:	<p><i>Employee Code of Conduct</i></p> <p><i>Complaints Against Council Employees Policy</i></p> <p><i>Council Member's Induction Policy</i></p> <p><i>Council Employee Inductions Library Policy</i></p> <p><i>LGA Child Safe Environments Guidelines 2021</i></p> <p><i>National Principles for Child Safe Organisations</i></p> <p><i>Risk Management Policy Volunteer Policy and Procedure</i></p> <p><i>Volunteer Inductions</i></p>
Associated Forms:	https://my.families.sa.gov.au/IDMProv/landing.html
Responsible Manager:	CEO

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Table of Contents

1. Preamble	4
2. Purpose	4
3. Scope	4
4. Definitions.....	4
5. Policy Statement.....	5
5.1. Legal Obligations	5
5.2. Child Safe Environments.....	5
5.3. Mandatory Reporting.....	5
5.4. Our Commitment.....	6
5.5. Risk Management	6
5.10. Roles and Responsibilities.....	7
6. Availability & Grievances	9
Appendix A: Children and Young Adult Safety Code of Conduct	11
Appendix B: Children and Young Adult Safety Reporting Procedure	16
Appendix C: Children and Young Adult Safety Screening Guideline	24

Children and Young Adult Safety Policy

1. Preamble

- 1.1. Kangaroo Island Council (Council) is committed to the safety and wellbeing of children, young people and other vulnerable people who access our services. Council supports the rights of the child and vulnerable persons in the community and will act without hesitation to ensure a safe environment is maintained at all times. Council also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all children, young people and other vulnerable people.
- 1.2. This policy is supported by 3 amendments that provide practical guidance on the implementation of this policy.

2. Purpose

- 2.1. This policy provides guidance and clarity around the requirements of working with Children, and provides a specific Code of Conduct, Reporting Procedure, and Screening guidelines in line with best-practice principles.

3. Scope

- 3.1. The Children and Young People (Safety) Act 2017 (SA) (the 'Safety Act') requires Council to ensure that safe environments for children and young people are established and maintained.
- 3.2. The policy:
 - applies to Council Elected Members, employees, volunteers, contractors and consultants and any others involved in the delivery of Council services and programs to children, young and other vulnerable people, and aims to ensure they are aware of their duty of care and responsibilities for the protection, safety and wellbeing of children and other vulnerable people at all times;
 - aims to ensure Council as an organisation and Council owned facilities are safe environments for children, young people and other vulnerable people and that they are protected from harm or risk of harm; and
 - 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, staff, volunteers, contractors, consultants, parents, carers and children where relevant. A copy of this policy and relevant amendments will be available on our website and to inspect in person at Council Offices at 43 Dauncey Street. Child-appropriate posters will be on display in public areas.

4. Definitions

- 4.1. **CEO** means the Chief Executive Officer of the Kangaroo Island Council.
- 4.2. **Child or young person** means a person under the age of 18.
- 4.3. **Council** means the Elected Body.
- 4.4. **Harm** includes physical or psychological harm (whether caused by an act or omission) and includes such harm caused by sexual, physical, mental or emotional abuse or neglect.

4.5. **Kangaroo Island Council (KIC)** means the administration.

4.6. **Mandatory Reporting Obligations** means a mandated notifier (a person providing services wholly or partly for children or young people or who holds a management position and duties of which include direct responsibility for, or supervision of, the provision of those services to children and young people) must report any suspicion of harm or risk of harm to a child or young person to the Child Abuse Report Line 13 14 78 or via an online ECARL portal (<https://my.families.sa.gov.au/IDMProv/landing.html>).

4.7. **Prescribed position** is a position in which a person works with children or a position in which it is reasonably foreseeable that the person will work with children, 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 elected members.

5. Policy Statement

5.1. Legal Obligations

Kangaroo Island Council is committed to providing a safe environment to all children and young people. This policy complies with the Children and Young People (Safety) Act 2017 and aligns with the National Principles for Child Safe Organisations.

5.2. Child Safe Environments

Section 114(1) of the Safety Act requires Councils and subsidiaries to have in place policies and procedures to ensure:

- 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 Act) are complied with.

The policies and procedures must comply with the National Principles for Child Safe Organisations issued by the Australian Human Rights Commission.

5.3. Mandatory Reporting

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.

Mandated notifiers must report any suspicion of a child being at risk to the Child Abuse Report Line (CARL) (telephone 24 hours a day, 7 days a week on 13 14 78). All serious concerns must be reported via the phone line, **not** via the online e-CARL portal (<https://my.families.sa.gov.au/IDMProv/landing.html>).

Failure to report suspected child sexual abuse may result in criminal charges subject to section 64A of the *Criminal Law Consolidation Act*; and failure to protect children from sexual abuse may result in criminal charges subject to section 65 of the *Criminal Law Consolidation Act*.

Allegations against staff will be dealt with immediately by the appropriate Director and CEO, whose actions may include, but is not limited to, immediate suspension following an independent investigation of the allegation.

5.4. **Our Commitment**

Council is committed to ensuring the organisation and Council facilities are safe environments for children and vulnerable people. This policy articulates an overarching set of principles at the centre of which is that all children and vulnerable persons have the right to feel safe and protected when accessing local government services and events or when local government representatives are engaging with them. The following standards reflect the National Principles for Child Safe Organisations.

5.5. **Risk Management**

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 will include human resources, activities and programs, record keeping, physical spaces, and organisational culture.

5.6. **Codes of Conduct**

All employees, volunteers, contractors, elected members and consultants will be required to comply with the code of conduct endorsed by Council, which sets out standards of conduct when providing services to children. The code of conduct is supported by Council's grievance procedure to address breaches of the code of conduct.

Please refer to Appendix A for the Kangaroo Island Council Child Safe Code of Conduct.

5.7. **Recruitment, Selection and Enhancing Performance**

Kangaroo Island 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. Kangaroo Island Council is obligated under the *Child Safety (Prohibited Persons) Act*

2016 to check that all relevant employees and people who interact with children and young adults hold a current 'not prohibited' WWCC as issued by the DHS Screening unit. Screening will involve WWCC checks, interviews, referee reports, checking qualifications and previous employment history in working with children. Council will ensure that all staff and volunteers who work with children or who have access to their personal records have ongoing support and training to develop, enhance and maintain a child safe environment.

Council will verify the accuracy of all WWCCs in the DHS Screening Unit portal as required by law.

Please refer to appendix C: Environment Screening Guideline for more detailed information.

5.8. Involvement in decision-making

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

5.9. Responding to Harm or Risk of Harm

Council will ensure that staff, volunteers, contractors and consultants providing services to and/or working with children are aware of and are trained, and appropriately supported to report any suspicion of harm or risk of harm (including abuse or neglect) on reasonable grounds. Council shall offer continuous development opportunities, training, and refresher training, around safe environment to staff and also provide support in making mandatory notifications and any other reports where required. "Safe Environments for Children and Young People: Through their Eyes" training will be undertaken within a 3-year period for all prescribed positions and all staff members will have access to web-based resources about issues concerning child safety and wellbeing.

5.10. Roles and Responsibilities

Council and Elected Members are responsible for development of this policy and in conjunction with the Chief Executive Officer and/or their delegates (where appropriate):

- promoting protection of children and young people from harm;
- responding promptly to advice received from the Chief Executive Officer or other sources concerning significant changes to relevant legislation and regulations; and
- regularly reviewing the effectiveness of the policy.

Council Members have individual responsibility for appropriate behaviour towards children and young people, and for compliance with the policy.

The Chief Executive Officer is accountable to Council and responsible as follows:

- Ensuring the policy is implemented, monitored, reported on and evaluated.

- Being aware of mandatory reporting requirements, procedures, and associated legal responsibilities.
- Ensuring significant changes to relevant legislation are brought to the attention of Council in a timely manner.

Managers and supervisors (paid and voluntary) are accountable to the Chief Executive Officer as follows:

- Recruitment and selection in accordance with Council's human resources policies and procedures and requirements for working with children and young people.
- Effective implementation of the policy, procedures and safe workplace practices.
- Being aware and promoting acceptable behaviour when dealing with children and young people.
- Providing appropriate induction and on-going training as required in relation to the Children and Young Adult Safety Policy
- Establishing and maintaining supportive procedures for fulfilling mandatory notification requirements and ensure mandated notifiers understand their legal responsibilities.
- Reporting any reasonable suspicion of harm they have towards a child or young person to the Child Abuse Report Line (note: it is the mandated notifier's responsibility to report their suspicion, not their supervisor's or manager's).
- Supporting staff and responding to enquiries regarding suspicions of harm or related issues, maintaining appropriate records and ensuring records are securely stored.
- Maintaining confidentiality and fully cooperating with the Department for Child Protection (DCP), the South Australian Police and other relevant government agencies in their investigations of suspected harm of a child, young person or other vulnerable person if required.
- Report annually to the Chief Executive Officer on implementation, monitoring and review of the Policy and relevant services, programs, and workplace practices.

Mandated Notifiers have obligations under the Safety Act to notify the DCP if they suspect, on reasonable grounds, that a child or young person is or may be at risk of harm and the suspicion is formed in the course of their work (paid or voluntary) or in carrying out official duties.

Other Council Staff, volunteers, contractors and consultants who are non-mandated notifiers. All Council staff, volunteers, contractors and consultants providing services on behalf of Council have a role to play in providing a safe environment for children, young people and other vulnerable people, and for complying with the policy. It is important to note that any person can make a voluntary notification of harm.

Council strongly encourages and will sensitively support any staff member, volunteer, contractor or consultant, whether or not a "mandated notifier" as defined by the Safety Act, to report any suspicion they have of incidents of harm or risk of harm towards a child or young person.

In these cases, incidents of harm towards a child or young person are to be reported to the relevant program manager who will, in consultation with the Chief Executive Officer, determine the appropriate action to be taken and where appropriate report to the relevant Government authorities.

Third Party Responsibility

- Contractors/Consultants
- Licensees
- Lease of Council premises/facilities
- Hire of Council facility - conditions/agreements

Council will include a clause in contracts of engagement, leases and relevant hire agreements, stipulating the requirement for compliance with this policy. Under the Safety Act legislation, all organisations who provide services to children and young people are required to complete a child safe compliance process with the Department of Human Services.

6. Availability & Grievances

This policy is available for inspection at the Council office at 43 Dauncey Street, Kingscote during ordinary business hours.

It is also available for inspection, download or printing, free of charge, from Council's website www.kangarooisland.sa.gov.au.

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer, Kangaroo Island Council, PO Box 121, Kingscote SA 5223.

SIGNED:



Chief Executive Officer

Date: 16/01/2024

Revision History:		
Date Reviewed:	Version:	Reason for Amendment:
12 March 2014	Version 1	Adopted by Council on 12 March 2014. Minute Book Reference 11.8.
8 May 2018	Version 2	Periodic Review and inclusion of amended Code of Conduct references. Council Motion C137:2018
14 May 2019	Version 3	Periodic Review Minute Ref C170/2019
30 August 2023	Version 4	Review of Policy under revised legislation, amended to Administrative Policy
16 January 2024	Version 5	Review of Policy following Dept. Human Services direction.

Appendix A: Children and Young Adult Safety Code of Conduct

Introduction

Kangaroo Island Council is committed to ensuring that children, young and other vulnerable people are treated with respect, fairness and dignity within a welcoming and supportive environment, free from all types of abuse and inappropriate behaviour.

This Code of Conduct has been drafted in accordance with section 114 of the South Australian *Children and Young People (Safety) Act 2017*. It has also taken into consideration the following legislation:

- *Children and Young People (Safety) Regulations 2017 (SA)*
- *Child Safety (Prohibited Persons) Act 2016 (SA)*
- *Disability Services Act 1993*
- *Disability Services (Assessment of Relevant History) Regulations 2014 (SA)*
- *Disability Inclusion Act 2018 (SA)*
- *Ageing and Adult Safeguarding Act 1995 (SA)*
- *Ageing and Adult Safeguarding Regulations 2019 (SA)*
- *Aged Care Act 1997 (Cth)*

This code applies to all Council Members, employees, volunteers, young people, parents and carers who access Council services. All employees, volunteers, contractors, consultants and any other persons engaged to provide any services wholly or partly to children or vulnerable people on behalf of Council are required to comply with this Code of Conduct, as well as children, young people, parents, carers and vulnerable people who access Council services.

The standards in this Code of Conduct are consistent with those established by the National Principles for Child Safe Organisations and international human rights principles as enshrined with the United Nations Convention on the Rights of the Child, in addition to:

- South Australian Adult Safeguarding Unit Code of Practice and South Australian Charter of the Rights and Freedoms of Vulnerable Adults
- Aged Care Accountability Principles 2014.

This Code of Conduct does not cover every situation – however, the values, ethics and standards it sets are a reference point to help make decisions relating to situations not referred to in this Code of Conduct. It sets out the minimum standards of behaviour expected during any interactions with children, young or vulnerable people in accessing Council services.

Supportive behaviours

Employees, volunteers, contractors, consultants, Council Members and those who access Council services or facilities must at all times:

- Treat children, young and vulnerable people with respect, equity, sensitivity, fairness and dignity
- Ensure children, young and vulnerable people are protected from any form of harm, harassment or discrimination
- Ensure the environment is safe for children, young and vulnerable people, including protection from violence, bullying, teasing, threatening, sexist or racist remarks, or harassment
- Exhibit role model positive behaviours, for example:
 - Encourage children, young and vulnerable people to participate in decision making processes.
 - Give constructive feedback to children, young and vulnerable people.
 - Ensure children, young and vulnerable people are aware of their rights, including their rights to respect, fairness and safety.

Employees, contractors, consultants, Council Members and volunteers must be aware of their reporting responsibilities and:

- Inform the Child Abuse Report Line (13 14 78) or report online at Child Protection SA [‘Report suspected harm of children and young people’](#) if they form any suspicion of harm or risk of harm.
- Inform the Adult Safeguarding Unit Phone Line on 1800 372 310 or via email at adultsafeguardingunit@sa.gov.au if they form a suspicion of abuse or neglect.
- Call 000 in any emergency situation.
- Discuss their concern with their supervisor or manager

Where relevant, explain the commitment to maintaining confidentiality, including situations that would require the sharing of information, for example reporting responsibilities

Safe and Protective Work Practices

Adopt safe and protective work practices, for example:

- Be aware of potential situations and actions when working with children, young and vulnerable people where they may be misinterpreted or misconstrued, for example:
 - Where possible, work in an open and visible environment when with children, young or vulnerable people.

- Dress in a professional manner that is appropriate for the situation. Staff and volunteers to wear uniform and/or Kangaroo Island Council badges at all times.
- Adopt a calm and non-judgemental attitude that allows children, young or vulnerable people to feel safe to raise complaints or concerns.
- If necessary, explain grievance procedures and avenues for complaints in simple and clear language that is appropriate to the age and ability of the child, young or vulnerable person
- Provide means and methods for children and young people to understand the Children and Young Adult Safety Policy and associated procedures, such as the display child-appropriate posters.

Unacceptable Behaviours

Unacceptable behaviour may include (but not be limited to) 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 unlawful 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.
- Shout, yell or speak to a child, young or vulnerable person in an angry, intimidating or threatening manner.
- Engaging in rough physical play with the child, young or vulnerable person.
- Unnecessary physical contact with child, young or vulnerable person. For example giving a hug may be culturally inappropriate, or it may be frightening or be offensive to the child, young or vulnerable person.
- Condone or participate in illegal or unsafe behaviours when working with children, young or vulnerable persons.
- Make 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 or young people.
- Initiating or engaging in 'friendship' relationships with a child, young or vulnerable person. For example, it is not OK to make arrangements to socialise outside the work environment.

- Taking children, young or vulnerable people to your home or on outings that do not fall within professional duties and/or when it has not been authorised by the Council, parents or guardians
- Acting in a manner that is sexually inappropriate – including verbal, physical and implied behaviours
- Initiating or developing a physical/sexual 'relationship' with a child, young or vulnerable person.
- Initiating or development any relationship that could be deemed as exploitative or abusive with a child, young or vulnerable person.
- Failure to report disclosures of harm or risk of harm to the Department for Child Protection's Child Abuse Report Line.

Breaches of Policy / Disciplinary Action

All employees, contractors, Council Members and volunteers have a responsibility for promoting and supporting these values and standards of behaviour.

Where an employee member or volunteer is found to have acted outside of Children and Young Adult Safety Code of Conduct, 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 and/or forwarding the matter to police.

Breaches of the Children and Young Adult Safety Code of Conduct will be investigated on a case by case basis and in accordance with the Council's Complaints Handling Policy and the required reporting processes.

Employee Rights

Employees are entitled to representation in the consideration of alleged non-compliance with this Code. The principles of fairness, equity and natural justice will apply to investigation and management of the matter. Investigations undertaken regarding compliance with the Code will be kept confidential, excluding any reporting requirements to external bodies, for example, South Australian Police.

Documentation associated with managing non-compliance will be retained in a secure and confidential location separate from the personnel files and managed in accordance with the State Records requirements.

Reporting

All employees, volunteers, contractors and those accessing Council services have a role in supporting this Children and Young Adult Safety Code of Conduct and the Children and Young Adult Safety Policy by reporting any suspicion of harm or risk of harm to the Department for Child Protection Child Abuse Report Line (CARL) 131 478.

Any questions of compliance raised by Council Members, other employees or the community regarding the Code, will be considered by the relevant General Manager or the Chief Executive Officer.

If you have any difficulties or questions regarding this Children and Young Adult Safety Code of Conduct, please discuss with the appropriate Team Leader, Manager, General Manager or Human Resources.

Appendix B: Children and Young Adult Safety Reporting Procedure

Background

Kangaroo Island Council acknowledges the importance of being vigilant about creating a safe environment and minimising the risk of harm to children and young people and other vulnerable people in their care.

By demonstrating leadership and ensuring effective policies and procedures are in place, Kangaroo Island Council has the level of confidence that all steps necessary have been taken to provide a safe environment for children and young people and other vulnerable people for whom they have a legislative responsibility or duty of care.

Through the provision of services, facilities, activities and programs, Council staff, Council Members and volunteers may be in a position to recognise the signs of possible harm or risk of harm and thereby report this suspicion to the relevant authority. In addition to children, other vulnerable people could potentially include:

- Young people
- People with a disability (physical, intellectual or a mental illness)
- The frail
- People who experience social disadvantage, for example, some Indigenous Australians, or newly arrived immigrants or refugees.

Scope

The Kangaroo Island Council has developed a Children and Young Adult Safety Policy, Children and Young Adult Safety Code of Conduct along with its complaints/grievance procedures.

The Council's Children and Young Adult Safety Policy requires staff, volunteers, Council Members, consultants and contractors, who work with children and young people or other vulnerable persons in our community to report any suspected harm or risk of harm to the relevant authorities.

If any suspicion of harm or risk of harm to a child or young person, staff holding prescribed position as outlined must notify the Child Abuse Report Line on 131 478, however, 000 should be called if there is an immediate risk. Staff who are not mandatory notifiers can also make a voluntary report on moral grounds.

Where Council is involved with other vulnerable persons or groups which are not specifically covered by legislation, good practice and duty of care principles will apply.

Suitability Screening

Kangaroo Island Council has an obligation to obtain information about relevant potential employees, volunteers, contractors or consultants on the basis that the information is deemed relevant in assessing the suitability of a person to work in a child-related area.

The information gathered may include details concerning previous employment and relevant experience, verification of qualifications and professional registration, criminal history information, working with children checks, reference checks and work history reports.

Employees are not required to get a Working with Children Check if they are providing supervision for young persons under the age of 18 years whilst they are a workplace learner as that young person is classified as an employee during their placement.

Further information regarding Council's screening processes can be found in the Children and Young Adult Safety Screening Guideline.

Reporting of Harm or Risk of Harm

Under the Children and Young People (Safety) Act 2017, section 5(a), every person has a responsibility to report any suspicion of harm or risk of harm of children and young people.

However, it is an expectation of Kangaroo Island Council that an incumbent who holds a prescribed position must report any suspicion of harm or risk of harm of a child to the Department for Child Protection's Child Abuse Report Line on 13 14 78 or online electronic notification through E-CARL at <https://www.childprotection.sa.gov.au>

If the report is serious in nature phone the hotline - do not use E-CARL. In all emergency situations, please also call 000

A prescribed position is:

- A position in which a person works, or is likely to work, with children or young people; or
- Manages a person who provides services to a child or young person, or
- Any other position, or a position of a class, prescribed by the regulations.

Making a report about suspected Child Harm

Under Section 30 of the Children and Young People (Safety) Act 2017, all staff, contractors, volunteers who wholly or partly provide health, welfare, education, sporting or recreational, childcare or residential services to children or young people on behalf of the Kangaroo Island Council a Council are required to report suspected harm or risk of harm to a child or young person to the Child Abuse Report Line (CARL), as soon as practicable after they form the suspicion.

In addition:

- There is a legal obligation to make a notification of suspected harm or risk of harm if, on reasonable grounds, there is a belief that a child is in need of protection.
- Reports must be made without delay.
- There is a requirement to make a report each time there appears to be any further grounds for this belief.
- There is no requirement of the reporting person to prove the harm has occurred.
- Mandatory reporting requirements take precedence over professional codes of practice where confidentiality or client privilege is claimed.

The person at the Child Abuse Report Line will ask for certain information including but not limited to:

- Details - the child or young person's name, age and address
- Indicators of harm – the reason for believing that the injury or behaviour is the result of harm or neglect
- Reason for reporting – the reason why the call is being made now
- Safety assessment – assessment of immediate danger to the child or children
- Description – description of injury or behaviour observed
- Child's whereabouts – the current whereabouts of the child or young person
- Other services – knowledge of other services involved with the family
- Family information – if there are any other details about the family
- Cultural characteristics – any specific cultural or other details which will help to care for the child.

Electronic notifications can be done through E-CARL at <https://www.childprotection.sa.gov.au>

Making a report about suspected Vulnerable Person Abuse

Kangaroo Island Council has extended the definition of a prescribed position to include one that involves provision of service to the aged or other vulnerable people.

In considering the most effective response that will ensure a vulnerable person's safety and wellbeing, the person reporting will need to gather information and facts. Consultation with a Manager or an appropriately trained Council Employee in order to receive support and/or advice may be required. It would be prudent to:

- make written notes – record what is observed
- continue to monitor – record what is observed
- consult and/or request support with colleagues and supervisors
- develop action plans based on procedures

Assistance may also be sought in helping the vulnerable person by engaging with other agencies, such as the Adult Safeguarding Unit (SA Health) or SAPOL. In any emergency situation, please call 000.

Making a report about suspected Disability Abuse

The National Disability Abuse and Neglect Hotline is an Australia wide telephone service for reporting the abuse or neglect of people with disability. The hotline works with caller to find appropriate ways of dealing with reports.

Phone the hotline on 1800 880 052 from 8.00 am to 8.00 pm every day. Emails can be sent to hotline@workfocus.com

South Australia's Adult Safeguarding Unit responds to reports of abuse of adults living with a disability as well as elder abuse.

The disability can be intellectual, psychiatric, cognitive, neurological, or an episodic nature, sensory or physical impairment or a combination.

Reports about actual or suspected abuse, or neglect of adults who may be at risk of abuse, as well as free confidential advice and support can be done by phoning 1800 372 310 Monday to Friday 9.00am to 5.00pm. Email enquires can be sent to adultsafeguardingunit@sa.gov.au

Roles and Responsibilities

Kangaroo Island Council is responsible for development of the Children and Young Adult Safety Policy and in conjunction with the Chief Executive Officer for:

- safeguarding children and other vulnerable people.
- responding promptly to advice received from the Chief Executive Officer or other sources concerning significant changes to relevant legislation and regulations.
- regularly reviewing the effectiveness of the policy

Council Members have individual responsibility for appropriate behaviour towards children and young people and other vulnerable people, and for knowledge of and compliance with the Children and Young Adult Safety Policy and Children and Young Adult Safety Code of Conduct.

The **Chief Executive Officer** is accountable to Council and responsible as follows.

- Ensuring the Children and Young Adult Safety Policy and Children and Young Adult Safety Code of Conduct are implemented, monitored, reported on and evaluated
- Being aware of mandatory reporting requirements, Procedures, and associated legal responsibilities
- Ensuring significant changes to relevant legislation are brought to the attention of Council in a timely manner.

Managers and supervisors are accountable to the Chief Executive Officer as follows:

- Recruitment and selection in accordance with Council's Human Resources Policies and Procedures and requirements for National Police Certificate, Working with Children Checks, or aged/vulnerable people screening of existing employees and preferred applicants for prescribed positions.
- Effective implementation of the Children and Young Adult Safety Policy, Children and Young Adult Safety Reporting Procedures, Children and Young Adult Safety Code of Conduct and safe workplace practices.
- Being aware of and promoting acceptable behaviour when dealing with children and other vulnerable people.
- Providing appropriate induction and on-going training as required in relation to the Children and Young Adult Safety Policy and Children and Young Adult Safety Code of Conduct.
- Establishing and maintaining supportive procedures for fulfilling mandatory notification requirements and ensure staff occupying prescribed positions understand their legal responsibilities.
- Reporting any reasonable suspicion of harm or risk of harm of a child to the Child Abuse Report Line (Note: it is the responsibility of staff to report their suspicion, not

their supervisors or managers).

- Supporting staff and responding to enquiries regarding suspicions of harm or related issues, maintaining appropriate records and ensuring records are securely stored.
- Maintaining confidentiality and fully cooperating with the Department for Child Protection, the South Australian Police and other relevant government agencies in their investigations of suspected harm of a child or other vulnerable person, if required.
- Report annually to the Chief Executive Officer on implementation, monitoring and review the Policy, Code of Conduct and relevant training, services, programs, and workplace practices.

Prescribed Officers as described in section 30 of the *Children and Young People (Safety) Act 2017* are required to notify the Department for Child Protection if they suspect, on reasonable grounds, that a child is being harmed or at risk of harm and the suspicion is formed in the course of their work (paid or voluntary) or in carrying out official duties whether they are listed as a prescribed position or not.

Prescribed Officers are encouraged to seek advice and support from their supervisor or, manager after they have made a notification to the Child Abuse Report Line. This practice will ensure staff and volunteers are appropriately supported, records are kept correctly, confidentially and securely, and any organisation responsibilities in addition to the mandatory reporting obligation are pursued where relevant.

All staff are responsible for understanding and complying with the Children and Young Adult Safety Policy and Children and Young Adult Safety Code of Conduct. Staff are to promote acceptable behaviour when dealing with children, young people and other vulnerable persons.

Staff are to actively participate in training and development opportunities on an ongoing basis.

Risk Management Strategy

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 will include human resources, activities and programs, record keeping, physical spaces, online services and organisational culture.

Identified risks shall be included in the organisation's risk management policy and processes. This includes risks in physical and online environments relevant to the services provided by Council, people in contact with children and young people, and any specific vulnerabilities of the children and young people.

All staff dealing with children and young people shall endeavour to reduce the risk of harm to children and young people and identify ways to promote child protective factors in the context of the organisation.

Code of Conduct

All Council Members and employees must adhere to the Kangaroo Island Council's Safe Environments Code of Conduct for which specifies standards of care when dealing and interacting with children, young and vulnerable people.

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).
- ensure clear age-appropriate or developmentally appropriate explanations are provided to children about the consultation and allow them for questions prior to or during the examination or support provision.
- seek the consent of the child or vulnerable person and/or their parents or guardians (where applicable), particularly where treatment requires physical contact.
- 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.

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

Recruitment, Selection and Induction of Employees

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 and other vulnerable persons.

Applicants for prescribed positions will be screened for their suitability to provide services. Screening will involve Working with Children checks, interviews, referee reports, checking qualifications and previous employment history in working with children and young people. Staff/volunteers recruited to Council will obtain a current, 'Not Prohibited' Working with Children Check issued by the Screening Unit of the DHS, with results verified by Council's HR team.

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

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

Ongoing Training of Employees

Council shall offer continuous development opportunities, training, and refresher training, around safe environment to staff and also provide support in making mandatory notifications and any other reports where required. "Safe Environments for Children and Young People: Through their Eyes" training will be undertaken within a 3-year period for all prescribed positions and all staff members will have access to web-based resources about issues concerning child safety and wellbeing.

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.

Training for staff will be developed to assist with safeguarding vulnerable people, including reporting organisations on online services.

Recognising and Reporting suspected Harm or Risk of Harm

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/or vulnerable people be kept safe from harm and risk of harm.

Any person who suspects on reasonable grounds that a child or young person is, or may be, at risk has a moral obligation to report that suspicion.

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 to the Child Abuse Report Line (CARL) on 13 14 78 as soon as practicable or if the child or young person is at immediate risk, report to South Australia Police on 000.

Any 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 Environments Policy and may result in disciplinary action being initiated against the concerned employee.

While there are no mandatory requirements to report incidents, the organisation will report any harm or suspected risk of harm of vulnerable adults to the Ageing and Adult Safeguarding Unit.

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.

Appendix C: Children and Young Adult Safety Screening Guideline

Introduction

Kangaroo Island Council will conduct appropriate screening of persons who are, or will be engaged in identified or prescribed positions, providing services to or working with children and young people or other vulnerable people.

The Department of Human Services Screening Unit performs the functions and exercises the powers of the central assessment unit for the purposes of the *Child Safety (Prohibited Persons) Act 2016*, and with the Council's *Information Management Policy* will be used to guide Kangaroo Island Council's management of information gathered.

Principles that govern assessment of suitable persons are as follows:

- Paramount consideration is given to the rights, interests and wellbeing of children and other vulnerable people, and their protection from harm.

Assessment of suitable persons will be:

- Undertaken following a check via the Department of Human Services central assessment unit (working with children/vulnerable people check)
- Conducted by staff members who are appropriately trained
- Recognised as one of a range of strategies to protect children and vulnerable people
- Evidenced based, where evidence exists, and will be ethical, defensible, efficient and timely
- Based on principles of natural justice and procedural fairness
- Will be transparent, documented and consistently applied
- Accompanied by provisions for review and appeal against a decision.

The privacy of people will be strictly protected, and sensitive, personal information will be protected from inappropriate disclosure by secure records management systems and the enforcement of Council's *Information Management, Privacy and Children and Young Adult Safety Policies*.

Identifying affected prescribed positions

Prescribed position as those defined in Part 3, section 5(1) of the *Child Safety (Prohibited Persons) Act 2016* in which a person works, or is likely to work, with children or in a position of a class prescribed by the *Child Safety (Prohibited Persons) Regulations 2019*.

Council will also identify all position paid (staff, contractors, consultants etc) and unpaid (volunteer, trainee or other) that it believes to be prescribed positions. This applies to all paid/unpaid workers over the age of 14 years.

No exemptions will apply unless listed under section 9 of the *Child Safety (Prohibited Persons) Act 2016*.

Developing policies and procedures for obtaining screening checks

Council will:

- Acquire informed written consent before obtaining the relevant screening check
- State that appointment is subject to a suitable outcome from a screening check being obtained, and satisfactory screening results obtained when advertising for relevant positions
- Ensure procedural fairness and assess which records will be maintained in accordance with the relevant policies and guidelines
- Communicate relevant Children and Young Adult Safety policies, procedures and Code of Conduct to all Council Members, staff and volunteers.

Conducting assessments in a timely manner

Council will

- Obtain screening check prior to commencement of employment and verify its accuracy
- Conduct screening checks every 5 years for current employees or volunteers
- Ensure re-validation and those turning 14 are identified in a timely manner
- Individual MUST notify their line manager, General Manager or Human Resources if there is a change in criminal history or screening status
- Advise the DHS Screening Unit when Council becomes aware of certain information regarding any person involved with Council including any serious criminal offences, child protection information, or relevant disciplinary or misconduct information.

Adverse screening check for existing staff

All staff, volunteers, contractors engaged by Council to undertake work with children and young people and vulnerable persons as described in the Children and Young Adult Safety Policy, are required to have a *Working with Children* Check renewed every 5 years. Suggested timeframe is 6 weeks prior to expiry.

Where a staff member, volunteer or contractor returns a Prohibited *Working with Children* Check as a result of a renewal application, their continued engagement with children and young people will be terminated.

Records Management

Council will:

- Ensure procedures are in place to protect privacy (to the extent possible) and ensure confidentiality of *Working with Children Checks*.
- Safeguard to protect against loss, unauthorised access, modification, disclosure or other misuse
- Obtain appropriate screening/clearances once a decision has been made regarding the person's suitability to work with children or vulnerable people, and information will not be retained for a period exceeding three months

Council will retain the following information regarding their decision:

- That a screening check was obtained
- How the information affected decision making
- Statutory declarations where applicable.