

Safe Environment Policy

Policy Classification:	Administration
First Issued	12 March 2014
Next Date of Review:	August 2027
Version Number:	4.0
Applicable Legislation:	<i>Children and Young People (Safety) Act 2017 (SA)</i> <i>Children and Young People (Safety) Regulations 2017 (SA)</i> <i>Child Safety (Prohibited Persons) Act 2016 (SA)</i> <i>Child Safety (Prohibited Persons) Regulations 2019 (SA),</i> <i>Library Act (1982)</i> <i>Library regulations (1999)</i> <i>Local Government Act 1999</i> <i>Work Health & Safety Act 2012</i>
Related Policies or Documents:	<i>Employee Code of Conduct</i> <i>Complaints Against Council Employees Policy</i> <i>Council Member's Induction Policy</i> <i>Council Employee Inductions</i> <i>Library Policy</i> <i>LGA Child Safe Environments Guidelines 2021</i> <i>National Principles for Child Safe Organisations</i> <i>Risk Management Policy</i> <i>Volunteer Policy and Procedure</i> <i>Volunteer Inductions</i>
Associated Forms:	https://my.families.sa.gov.au/IDMProv/landing.html
Responsible Manager:	Director Community Development
Approved by CEO:	August 2023

1. Introduction

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.

2. Scope

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.

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.

3. Legal Obligations

3.1 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 Chief Executive of the Department of Human Services as varied from time to time.

3.2 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>).

4. Definitions

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

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.

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>).

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. 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.

5.1 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.

5.2 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. For more information about these procedures, contact the Council's Safe Environment Contact Officer – Team Leader Customer & Library Services

5.3 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. 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.

5.4 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.

5.5 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.

6. 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 Safe Environment 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 abuse 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.

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.

7. Policy Review

The Safe Environment Policy will be reviewed at a minimum at least every 5 years to ensure compliance with the National Principles for Child Safe Organisations and effective maintenance of a safe environment.

8. 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:



Acting Chief Executive
Officer

Date: 30 August 2023

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
August 2023	Version 4	Review of Policy under revised legislation, amended to Administrative Policy