

**Policy Document**

**CHILD AND YOUNG PERSON  
(and other vulnerable people)  
SAFE ENVIRONMENT POLICY**

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Classification:  
**Social, Cultural and Community Services**

Strategic Plan link:  
**Strategy 4.16.1** Support groups and businesses providing well-being activities for children and youth

**References and related Policies & Procedures:**

*Child and Young People (Safety) Act 2017*  
*Child Safety (Prohibited Persons) Act 2016*  
*Children and Young People (Oversight and Advocacy Bodies) Act 2016*  
*Local Government Act 1999*  
[DCSB-G-09.01 Code of Conduct for Elected Members](#)  
[DCSB-HR-12.02 Code of Conduct for Council Employees](#)  
 Induction Policy (under development)  
[DCSB-IFM-13.05 Personal Information Security Policy](#)  
[DCSB-SM-18.01 Risk Management Policy](#)

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## Background

### 1. Purpose

The District Council of Streaky Bay is committed to the safety and wellbeing of children, young people and other vulnerable people who access our services. We support the rights of the child and vulnerable persons in the community and will act without hesitation to ensure a safe environment is maintained. We 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.

Section 114 of the Children and Young People (Safety) Act 2017 requires Council to implement and maintain policies and procedures designed to ensure that safe environments for children and young people are established and maintained.

This policy aims to ensure Council as an organisation and Council owned facilities are safe environments for children, young people and other vulnerable people.

### 2. Scope

This policy also aims to ensure all Council elected members, employees, volunteers, contractors and consultants are aware of their duty of care responsibilities for the protection, safety and wellbeing of children, young people and other vulnerable people at all times.

### 3. Definitions

**Abuse** means all aspects of abuse (sexual, physical or emotional abuse, or neglect) to the extent that:

- the person/s has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's wellbeing; or
- the person/s physical and psychological development is in jeopardy.

**Child** means a person under the age of 18.

**Criminal History Check** involves obtaining information about relevant potential employees, volunteers, contractors or consultants on the basis that the information is deemed relevant to 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, reference checks and work history reports.

**Council** means the District Council of Streaky Bay

**DSCI Screening Check** Screening checks help to ensure that people with a known history of violent or abusive behaviour do not work with children and other vulnerable people in their job or as a volunteer. Sometimes screening is required by law, but in other cases an employer or organisation may decide it's necessary. Screening checks assess additional information that would not be detected through a standard police check.

There are five types of screening check:

- working with children check
- disability services employment

- aged care sector employment
- vulnerable person related employment
- general employment probity.

**Harm** is defined in Chapter 3, Section 17 of the *Children and Young People (Safety) Act 2017*

**Mandatory reporting obligation** means a mandated notifier (any person providing services solely or partly to children) must report any suspicion of abuse or neglect of a child to the Department of Child Protection Child Abuse Report Line.

**Policy** means Child and Young Person (and other vulnerable people) Safe Environment Policy

**Prescribed position** is one that requires or involves one or more prescribed functions as follows:

- Regular contact with Vulnerable Person/s (including aged care and frail aged) in close proximity on a regular basis.
  - Close proximity means in reasonable unaided visual sight that is physically being within eyeshot.
  - Regular contact includes contact that may facilitate deliberate use of position and status to access and exploit the vulnerable person. This may include multiple instances of contact of limited duration (attendance at a weekly program) or fewer, extended and intense periods of contact which may be away from Vulnerable Person's usual environment.
- Supervision or management of above positions; and
- Access to records of a kind prescribed by regulation relating to Vulnerable Persons (including records relating to child protection services, health services, education services, disability services and court orders and proceedings).

**Vulnerable Person** means those who may be at risk of abuse or exploitation due to their dependence upon others or experiences of disadvantage, and could include people with a disability, the frail aged, people from culturally and linguistically diverse background, refugees, and those living in poverty.

## 4. Policy Statement

The Policy has been developed to demonstrate the commitment of Council to children's and other vulnerable persons safety, protection, wellbeing and emphasises the importance for Council of maintaining child safe and community friendly environments.

A child and young person or vulnerable person safe organisation takes a preventative, proactive and participatory stance on child protection and vulnerable persons issues. Across Council, the safety and well-being of children and vulnerable persons is a paramount consideration when developing activities, policies and management practices.

Council values and embraces the opinions and views of children, encourages and assists children to build skills that will assist them to participate in community and workforce and takes action to protect children from physical, sexual, emotional and psychological harm.

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 staff are engaging with them.

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Implementation of the principles in the policy will influence organisational culture to ensure staff, no matter their role within Council, value children and vulnerable persons and their views and are committed to taking action to keep vulnerable persons, children and young people safe from harm.

In creating a child safe environment, Council will observe the provisions set out in the *Children and Young People (Safety) Act 2017* (The CYPS Act) (Chapter 8, 114-115), in that appropriate policies and procedures are developed to ensure that child safe environments are established and maintained, and that appropriate reports of abuse and neglect are made by mandated notifiers

Council will also observe Sections 30 and 31 of this Act that establishes obligations and procedures for certain persons to report suspicions that a child or young person may be at risk.

Council will observe the provisions set out in the Child Safety (Prohibited Persons) Act 2016 under Section 5 prescribed positions.

Section 17, 18, 19 of the Child Safety (Prohibited Persons) Act 2016 will provide the required information and requirements of working with children checks required by any person in a prescribed position.

The meaning of child-related work and work with children is defined in Section 6 of the Child Safety Act 2016.

## 5. Principles

The principles which guide Council staff in creating child and vulnerable safe environments are set out below.

- Across Council activities, child safe environments will comply with the conditions set out under Chapter 8 of the CYPS Act.
- In Council staff engagement with children and youth outside of the Council environments, staff will comply with both the CYPS Act 2017 and the CSPP Act 2016
- Engaging with children in their interactions and in making contribution to improving the environments provided by Council will be valued and respected.
- Through education and ongoing professional development, the identified employees will have the required skills, knowledge and attitudes to meet the mandated requirements of their position insofar as it relates to their interaction with children.
- Council will create opportunity to ensure that staff embeds the principles and practices of child safety and protection into their work.
- Staff will ensure that the safety and wellbeing of children and young people is promoted. Partnership with other agencies, such as the Department of Child Protection, is expected in this endeavour.

In adhering to these principles Council is committed to:

- valuing all children and young people and seeking to protect them;
- promoting an environment in which children feel respected, safe and valued and are encouraged to reach their potential;
- embedding the protection and support of children and young people into the organisational culture, such that everyone is aware of their responsibility;

- Council will ensure all staff and volunteers who work with children, or who have access to their records, have ongoing support and training to develop, enhance and maintain a child safe environment; and
- a process of recruitment and selection of staff that supports the provision of child safe environments, and is in keeping with the provisions set out in the *Child Safety (Prohibited Persons) Act 2016*.
- Council will take all reasonable steps to ensure it engages the most suitable and appropriate people to work with, and provide services to, children, young people and other vulnerable person/s. Applicants for any prescribed positions will be screened for their suitability to provide services. Screening will involve interviews, referee reports, checking qualifications and previous employment history in working with children, obtaining criminal history reports and undertaking a DCSI screening.

## 6. Policy Detail

Council is committed to and has endorsed procedural standards which focus on ensuring the organisation and Council facilities are safe environments for children and vulnerable people. In particular, the following standards reflect the guidance provided by Department of Communities and Social Inclusion on appropriate standards of conduct for adults in dealing with children.

### 6.1 Minimising Risk

Failure to ensure a child safe environment may result in children experiencing physical, sexual, emotional and psychological abuse and neglect. In order to mitigate risk it is the responsibility Departmental Manager to identify, assess and monitor any risks within the environment.

In accordance with Council's Risk Management Policy employees are required assess risks associated with their roles and the tasks they are undertaking. In this case, the purpose of the risk assessment is to:

- identify all elements that support child safe environments across Council's delivery spectrum;
- consider what processes Council has in place to ensure risks are assessed as effectively as possible; and
- identify the circumstances in which the principles of this policy might fail and create corresponding controls to mitigate or minimise impacts.

### 6.2 Engaging Children and Young People

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

Council encourages and respects the views of children and young people who access our services. To this end our staff, elected members, contractors and volunteers are required to:

- listen to and act upon any concerns that children, young people or their families raise with us;
- value diversity and not tolerate any discriminatory practices; and
- proactively ensure children and young people know their rights and how to access information if they feel unsafe or need to access the complaints process.

### 6.3 Privacy and Dignity

It is paramount that the privacy and dignity of children and young people who interact with Council is respected during their experience and remains in line with Council's Personal Information Security Policy. Council is committed to ensuring people who interact with Council have the right to have their privacy respected. This is achieved by ensuring all personal information Council holds is secure and protected from unauthorised access or misuse.

Employees must consider appropriate procedures to address the privacy of children and young people in particular when:

- taking images of children;
- supervising of children;
- physical contact may require chaperones to be present; and
- cyber safety guidelines may apply.

### 6.4 Codes of Conduct

All elected members, employees, volunteers, contractors and consultants will be required to comply with the applicable Codes of Conduct as endorsed by Council.

### 6.5 Responding to Suspected Abuse and Neglect

As part of Council's broad duty of care towards the safety and wellbeing of children, young and vulnerable people, all staff and volunteers are encouraged to notify the Child Abuse Report Line when they suspect on reasonable grounds, that a child has been, or is being abused or neglected.

Council will ensure staff, volunteers, contractors and consultants providing services to and/or working with vulnerable persons are aware of and are trained, and appropriately supported, to report any suspicion of abuse or neglect on reasonable grounds.

## 7. Roles and Responsibilities

The **Chief Executive Officer** is responsible for:

- establishing a systems governance framework to achieve the protection, safety and wellbeing of children;
- ensuring strategy and policy reflects the needs of children and the system has inbuilt mechanisms to demonstrate compliance for this;
- creating an environment in which the Department Managers understand, and are held accountable for implementing the requirements of this Policy, and have the governance processes in place which monitor compliance and manage associated risk;
- ensuring reporting requirements are met for Council where required
- ensuring appropriate review of major incidents and overseeing implementation of system-wide recommendations

The **Department Managers** are responsible for:

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- ensuring referee checks are undertaken on employees and their previous employment is authenticated;
- child-related employment screening under Part 4, Division 1&2 of the *Child Safety (Prohibited Persons) Act 2016* is completed in relation to all employees and volunteers who work with children and young people in the local government context;
- ensuring the Policy and the Code of Conduct for Council Employees is provided during induction;
- promoting and complying with this policy's principles;
- ensuring relevant staff and volunteers undertake Child Safe Environments Mandated Reporting Training every three years;
- creating an environment in which staff are aware of their mandatory reporting responsibilities articulated in the CYPS Act (Chapter 5, Part 1 30-31) and are supported to execute them; and
- ensuring appropriate support and supervision is provided, so staff and volunteers feel valued and respected, and gain the knowledge and skills to promote and maintain a child safe environment.

Council **Employees** who work with children and young people are responsible for:

- undertaking Child Safe Environments (Mandated Reporter) Training;
- complying with this policy's principles;
- carrying out their legal responsibility as a mandated reporter under the CYPS Act (Chapter 5 Part 1, Sect 3) to notify the Department for Child Protection
- ensuring that a report / notification is undertaken as soon as practicable after the suspicion is formed;
- listening to children and young people and attending to their needs when children and young people interact with Council; and
- co-operating with the Commissioner for Children and Young People in the event of an enquiry into Council is conducted.

The Commissioner for Children and Young People SA:

- can exercise powers as set out in the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*;
- has the authority to advise, make recommendations to Ministers, State authorities (such as Council) and other bodies on matters related to the rights, development and wellbeing of children; and
- in exercising their powers may inquire into matters related to the rights, development and wellbeing of children and young people at a systemic level, including in the event that an organisation is not fulfilling its obligation to provide a safe and responsive environment for children.

## Records

All records shall be kept and disposed of in accordance with Council's Records Management Policy & Procedure, the Local Government General Disposal Schedule 20 Version 5, records of relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse General Disposal Schedule 32 Volume 2.

## Review and Policy Notification

As per section 115 of the Children and Young People (Safety) Act 2017, this policy is required to be updated at least once in every 5 year period.



Council will as soon as is reasonably practicable after adopting and/or reviewing this Policy and any subsequent procedures provide the Chief Executive of the Department for Child Protection a statement certifying that Council has in place Policies and Procedures as required.

Failure to comply with these sections gives rise to an offence under the act.

## Further Information and Policy Availability

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: [www.streakbay.sa.gov.au](http://www.streakbay.sa.gov.au)

District Council of Streaky Bay  
29 Alfred Tce  
Streaky Bay SA 5680

Copies will be provided to interested parties upon request. Email [dcstreaky@streakybay.sa.gov.au](mailto:dcstreaky@streakybay.sa.gov.au)

All enquiries regarding the Policy should be directed to the Chief Executive Officer

## Version Details

VERSION	DATE ADOPTED	MINUTE BOOK NUMBER
V1.0	15 October 2015	228/15
V2.0	16 July 2020	XXXX