



HR030 SAFE ENVIRONMENT POLICY

Policy Type:	Administration Policy
Reference Number:	HR030
Responsible Department:	Community and Organisational Development
Responsible Officer:	Manager People and Culture
Related Policies and Procedures	<p>Criminal History Check Policy</p> <p>Code of Conduct for Council Employees</p> <p>Workplace Respect Policy</p> <p>Recruitment and Selection Policy</p> <p>Counselling and Discipline Policy</p> <p>Code of Conduct for Volunteers</p>
Date Adopted:	May 2009
Last Review Date:	March 2025
Next Review Date:	Within 3 years of last review
ECM Doc Set ID	

1. POLICY STATEMENT

The City of Unley is committed to the safety and wellbeing of children, young, and other vulnerable people who access our services, facilities, events, and activities. This policy aims to ensure that all employees and volunteers are aware of their duty of care responsibilities for the protection, safety and wellbeing of children, young, and other vulnerable people.

2. PRINCIPLES

All children, young, and other vulnerable people who use the City of Unley's services and facilities have a right to do so within a safe and respectful environment.

The City of Unley (COU) will identify and assess potential sources of harm and risk of harm for children, young, and other vulnerable people and, take all reasonable action to decrease the likelihood that harm will occur to any child, young or vulnerable person using services provided by the City of Unley.

The City of Unley will ensure that all persons delivering services to children, young, and other vulnerable people are made aware of the responsibilities contained in this Policy.

This policy applies to all employees, volunteers, work placement students and contractors referred to throughout the policy as workers or employees.

3. POLICY OBJECTIVES

This Policy aims to provide a safe environment for children, young, and other vulnerable people who receive services from the City of Unley, and to ensure that any suspected harm, or risk of harm to children, young, and other vulnerable people is reported.

4. DEFINITIONS

<u>Term</u>	<u>Definition</u>
Child or Young Person.	Refers to 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
Disability services employment screening	Means undertaking an assessment of information about a person for the purpose of determining whether the person may, if appointed to, or engaged to act in, a position, pose a risk to the safety or welfare of people with a disability.
Young person at risk	Will be taken to mean:

	<p>a) the child or young person has suffered harm (being harm of a kind against which a child or young person is ordinarily protected); or</p> <p>b) there is a likelihood that the child or young person will suffer harm (being harm of a kind against which a child or young person is ordinarily protected); or</p> <p>c) there is a likelihood that the child or young person will be removed from the State (whether by their parent or guardian or by some other person) for the purpose of:</p> <ul style="list-style-type: none">• being subjected to a medical or other procedure that would be unlawful if performed in this State (including, to avoid doubt, female genital mutilation); or• taking part in a marriage ceremony (however described) that would be a void marriage, or would otherwise be an invalid marriage, under the Marriage Act 1961 of the Commonwealth; or• enabling the child or young person to take part in an activity, or an action to be taken in respect of the child or young person, that would, if it occurred in this State, constitute an offence against the Criminal Law Consolidation Act 1935 or the Criminal Code of the Commonwealth; or <p>d) the parents or guardians of the child or young person:</p> <ul style="list-style-type: none">• are unable or unwilling to care for the child or young person; or• have abandoned the child or young person, or cannot, after reasonable inquiry, be found; or• are dead; or <p>e) the child or young person is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence; or</p> <p>f) the child or young person is of no fixed address; or</p> <p>g) any other circumstances of a kind prescribed by the regulations exist in relation to the child or young person.</p>
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Screening	Involves obtaining information about relevant potential employees, volunteers, contractors, or consultants on the basis that the information is deemed relevant to be working wholly or partly in providing services within a child or vulnerable person 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.
Facility or Program People leader	COU employee responsible for the community facility or the COU program being accessed by young or vulnerable persons
Reporting obligations	<p>Employee as described in Section 30 of the Children and Young People (Safety) Act 2017 (SA) are required to notify the Department of Child Protection if they suspect, on reasonable grounds, that a child has been or is being harmed or is at risk of harm and the suspicion is formed in the course of their work (paid or voluntary) or in carrying out official duties.</p> <p><i>Note:</i> Employees are encouraged to seek advice and support from their supervisor and manager in relation to suspicions of child, young, or vulnerable person harm, risk of harm, abuse, or neglect. This practice will ensure employee 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.</p>
Mandated Reporters	<p>Employees of, or volunteers in, an organisation that provides health, welfare, education, sporting or recreational, childcare, or residential services wholly or partly for children and young people, being a person who:</p> <ul style="list-style-type: none"> • 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

	<i>Section 30(3), Children and Young People (Safety) Act 2017</i>
Prescribed position	<p>Is a position in which a person works with children or a position in which it is foreseeable that the person will work with children. This includes people who:</p> <ul style="list-style-type: none"> - provide a service or undertake an activity that is child related in the course of their employment - carry on a business in which an employee works with children - may be held by an employee, volunteer or Elected member
Disability services	<p>Means services provided, whether wholly or partially, for persons with disabilities or their carers' and, without limiting the generality of the expression, includes—</p> <ul style="list-style-type: none"> • accommodation services; • home care and family support services; • independent living training services; • information services; • print disability services; • recreation services; • respite care services; • education or training services; • advocacy services; • therapy services; • equipment services; • counselling or support services; • transport services
Vulnerable people	<p>Refers to people who may be at risk of abuse or exploitation due to their dependency on others. This includes all children, people with a disability, the frail aged and people from culturally and linguistically diverse backgrounds.</p>
Working with children check (WWCC)	<p>Means a working with children check under the <i>Child Safety (Prohibited Persons) Act 2016</i></p>

5. ROLES AND RESPONSIBILITIES

The City of Unley (Council as the employer organisation) is responsible for development of the *Safe Environment Policy* and in conjunction with the Chief Executive Officer (CEO) for:

- promoting the protection of children, young people, elderly and other vulnerable people from harm, risk of harm and abuse
- ensuring a child safe culture is championed and modelled at all levels of the organisation
- regularly reviewing the effectiveness of the policy and relodging a child safe compliance statement after the policy has been reviewed
- responding promptly to advice received from the CEO or other sources concerning significant changes to relevant legislation and regulations.

The **CEO** is accountable to Council and responsible for:

- Ensuring the Policy is implemented, and reviewed as required
- Ensuring that the Policy is made available to the public
- Being aware of the 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 employees with supervisory responsibilities (of paid employees and volunteers) are accountable to the Chief Executive Officer for:

- Recruitment and selection in accordance with Council's People and Culture Policies and Procedures and requirements for working with children or aged/vulnerable people screening of existing employees and preferred applicants for prescribed positions.
- Effective implementation of the Policy and Procedures, Safe Environment Code of Conduct and safe workplace practices.
- Ensuring workers are aware of the Policy
- Being aware of and promoting acceptable behaviour when providing services or working with children and other vulnerable people.
- Providing appropriate induction and on-going training as required in relation to the Policy.
- Ensure employees occupying prescribed positions understand their legal responsibilities.
- Supporting employees and responding to enquiries regarding suspicions of harm, risk of harm or abuse related issues, maintaining appropriate records and ensuring records are securely stored.
- Maintaining confidentiality and fully cooperating with the Department of Premier and Cabinet, Department of Human Services, the South Australian Police and other relevant government agencies in their

investigations of suspected harm or risk of harm of a child or other vulnerable person, if required.

Prescribed Positions and Mandated Reporters

Workers holding prescribed positions and Mandated notifiers must have read and understood the Mandatory Reporting and Information booklet available at www.dhs.gov.au:

Mandated reporters have a legal obligation to report direct to the Child Abuse Report Line (CARL) as soon as possible if they have a suspicion that a child or young person has been harmed or may be at risk of harm or to SAPOL if the child or young person is immediate risk.

Following a report made to CARL or SAPOL employees and volunteers must make an internal report to management including date and time that report was made and which COU location or service the child or young person was accessing. This information will be stored securely in line with records management responsibilities.

Roles and Responsibilities for Other Council Employee, Volunteers, Contractors and Consultants (non-prescribed positions)

All Council employee, volunteers, contractors, and consultants providing services on behalf of Council have a role to play in providing a safe environment for children, young people, elderly and other vulnerable people, and for complying with the policy.

Employee are encouraged to seek advice and support from their supervisor and manager or People and Culture team in relation to suspicions of a child that has been or is being harmed or is at risk of harm. This practice does not replace a report to the CARL hotline but can assist employee and volunteers to be appropriately supported, ensure records are kept correctly, confidentially, and securely, and any organisational responsibilities in addition to the mandatory reporting obligation are pursued.

Council strongly encourages and will sensitively support any employees, volunteer, contractor, or consultant who, though not holding a 'prescribed position' to report any suspicion they have of incidents of harm or risk of harm of a child or other vulnerable person.

In these cases, the leader will assist the employee to determine the appropriate action to be taken and where appropriate, the report to the relevant Government authorities is made.

Third party responsibility

In line with Council's commitment to providing a safe environment for children, Council will include a clause in contracts, leases, and relevant hire agreements etc, stipulating the requirement for compliance with Council's *Safe Environment Policy* and *the associated Code of Conduct*, where the hire or lease includes providing services or programs to children or young people. This applies to organisations, sole traders, and partnerships.

Council will:

- insert within the contract clause above an obligation to comply with the Policy and Safe Environment Code of Conduct
- sight and record the third-party provider's Working with Children Checks (WWCC)
- provide the Policy and Safe Environment Code of Conduct to third party providers and ensure a Policy Compliance statement is signed as part of lease or hire processes.
- reserve within the clause a right to update the Policy and Safe Environment Code of Conduct

Council may seek legal advice in relation to any specific third-party arrangements, if relevant and required.

6. SAFE ENVIRONMENT CODE OF CONDUCT

ADDITIONAL EXPECTATIONS FOR ALL EMPLOYEES

In addition to Council's Code of Conduct for Employees, and the Code of Conduct for Volunteers, the following expectations apply to all employees and volunteers who have responsibilities relating to children and young people:

Employees and Volunteers will:

- a) Comply with this Policy and relevant procedures and take all reasonable steps to ensure the safety and protection of children and young people
- b) Act as a positive role model to children and young people.
- c) Set clear boundaries about appropriate behaviour between themselves and the children and young people accessing programs and services in our organisation.
- d) Not share personal contact details with or have contact with young people accessing City of Unley services outside of their professional responsibilities
- e) Listen and respond appropriately to the views and concerns of children and young people, as well as encouraging their say on issues important to them.
- f) Ensure another adult is always present or in sight when conducting one to one coaching, instruction or other activity
- g) Respond quickly, fairly and transparently to any serious complaints made by a child, young person or their parent/guardian

Employees and volunteers must not:

- a) Develop any 'special' relationships with children and young people that could be seen as favouritism such as the offering of gifts or special treatment
- b) Engage in rough physical games
- c) Do things of a personal nature that a child or young person can do for themselves, such as toileting or changing clothes

Any Breach of this Policy including the Code outlined above can be reported and will be managed in accordance with the Counselling and Discipline Policy

7. RECRUITMENT

The City of Unley will take all reasonable steps to ensure that it engages the most suitable and appropriate people who directly deliver services to children, young and other vulnerable people, either wholly or partly. Applicants for positions who directly work wholly or partly with children, young, or other vulnerable people will be screened for their suitability to undertake the work required (Working with Children Check). The City of Unley will undertake appropriate screening through the Department of Human Services (DHS)

Screening Unit, along with interviews, referee reports, checking of qualifications and previous employment history in working with children.

A current Department of Community and Social Inclusion clearance can be held until it expires, then a WWCC from DHS must be obtained.

The City of Unley will immediately contact the Department of Human Services Screening Unit when they become aware of information regarding any person involved with the organisation, including any serious criminal offence, child protection information, or disciplinary or misconduct information that may impact on their suitability for employment.

The position description for all positions working directly, wholly, or partly, with children, young, and other vulnerable people shall include the responsibilities and obligations to act in accordance with the relevant requirements set out in this Policy.

8. TRAINING

The City of Unley will take all reasonable steps to ensure that employees who directly deliver services to children, young and other vulnerable people, either wholly or partly are appropriately inducted and trained in their Child safe obligations and reporting responsibilities.

Workers will be equipped with the knowledge skills and awareness to recognise indicators of child harm, able to respond effectively to harm or risk of harm and will know how to provide safe environments for children

Training will be provided to all employees who directly provide services wholly or partly to children or young people, with refresher training undertaken every three (3) years. Current training requirements will be met by participation in the "Safe Environments for Children and Young People – Through their Eyes" training or suitable alternative if standards change. Equivalent training from other industries may be deemed suitable e.g. Responding to Abuse and Neglect (education sector).

9. REPORTING OF HARM OR RISK OF HARM

Children and Young Person Safety Reporting

Employees, volunteers, contractors, or consultants (and their supervisors and/or managers), who directly provide services wholly or partly for children or young people under 18 years of age have a duty to ensure that children and young people be kept safe from harm.

Under section 30 of the Children and Young People (Safety) Act 2017, persons nominated have a responsibility to report any suspicion of harm or risk of harm of children and young people. Any person who suspects on reasonable grounds that a child or young person is, or may be, at risk of harm is required to report that suspicion.

It is expected that all employees, volunteers, and relevant individuals will report any suspect situations or incidents where a child or young person may be at risk to the Child Abuse Report Line 131478 in the first instance.

Making a report about suspected Harm or Risk of Harm

Under Section 30 of the Children and Young People (Safety) Act 2017, all employees, contractors, volunteers who wholly or partly provide direct health, welfare, education, sporting or recreational, childcare, or residential services to children or young people on behalf of The City of Unley are required to report suspected harm or risk of harm to the CARL, as soon as practicable after they form the suspicion.

It is an expectation of the City of Unley that an incumbent who holds a Prescribed Position must report any suspicion of harm or risk of harm of a child to the Child Abuse Report Line on 13 14 78. In all emergency situations, please also call 000.

In addition:

- There is a legal obligation to make a notification of suspected child harm or risk of harm to the Department for Child Protection if, on reasonable grounds, there is a belief that a child is being harmed or is at risk of harm.
- 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.
- Reporting requirements under the *Children and Young People (Safety) Act 2017* 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:

- 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, abuse, 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.

Vulnerable Person Abuse and/or Harm Reporting

Employees, volunteers, contractors, or consultants who directly provide services wholly or partly for other vulnerable people over the age of 18 years (disabled, socially isolated etc) will report any suspected abuse or risk of abuse to the Facility or Program Leader.

While there is no mandatory requirement to report incidents, the organisation will report any abuse or suspected risk of abuse of vulnerable adults to the Adult Safeguarding Unit within SA Health.

Making a report about suspected Vulnerable Person Abuse

The City of Unley 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 the Facility or Program people leader 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 or supervisors
- develop action plans based on site specific procedures.

Assistance may also be sought in helping the vulnerable person by engaging with other agencies, such as the police or community health services. In any emergency, please call 000.

Disability Services

The National Disability Abuse and Neglect Hotline is a telephone service for reporting the abuse or neglect of people with disability. Phone the hotline on 1800 880 052 or TTY 1800 301 130 from Monday to Friday 9.00 am to 7.00pm.

10. RISK ASSESSMENT

There is a commitment by the City of Unley to develop an appropriate risk management framework for dealing with children, young, and other vulnerable people. The risk management framework will take into consideration:

a) Program management

Council will observe basic safety and wellbeing considerations which are aimed at limiting the opportunities for abuse and/or harm, including:

- determining the number of leaders required for specific activities.
- providing opportunities for parental/carer participation.

- matching program activities to the physical and intellectual capabilities of participants; and
- recognising the risks that some activities afford for abuse and/or harm to children, young, and other vulnerable people.

b) Management of physical environment

The City of Unley will manage the physical environment of programs as much as practicable to reduce the risks of abuse and/or harm. The City of Unley will:

- consider safety and security in areas where children, young, and other vulnerable people gather in regard to visual surveillance and lighting.
- consider access control, lighting, and design of shower and toilet facilities when selecting locations for programs for children, young, and other vulnerable people.
- where practicable, monitor people entering and leaving its programs.
- secure rooms and closets not in use to ensure children, young, and other vulnerable people are not isolated; and
- ensure indoor and outdoor activity areas are adequately illuminated to enable observation of activities to ensure the safety and wellbeing of children, young, and other vulnerable persons in parking lots or play areas.
- ensure adequate protocols are in place to ensure children are not left unsupervised in City of Unley facilities including formal advice to parents of children accessing those facilities.

c) Protective work practices

The City of Unley will strive to ensure protective work practices are in place to guide employees and volunteers in providing services to children, young, and other vulnerable people. The City of Unley will:

- prohibit out of program contact between employee/volunteers and participants, except with the express permission of parents or carers.
- limit the opportunity for one on one, close, and unsupervised contact between workers and volunteers and children, young, or other vulnerable people.
- gain consent of parents/care givers in advance if one on one unsupervised contact is to occur with children, young, elderly or another vulnerable person: and
- require that employees and volunteers report to supervisors/managers in advance if one on one unsupervised contact is to occur.

11. LEGISLATION AND REFERENCES

Children and Young People (Safety) Act 2017 (SA) and Children and Young People (Safety) Regulations 2017 (SA),

Child Safety (Prohibited Persons) Act 2016 (SA) and Child Safety (Prohibited Persons) Regulations 2019 (SA)

National Principles for Child Safe Organisations (AHRC) 2019

Disability Services Act 1993 and Disability Services (Assessment of Relevant History) Regulations 2014 (SA)

Disability Inclusion Act 2018 (SA)

Ageing and Adult Safeguarding Act 1995 (SA) and Ageing and Adult Safeguarding Regulations 2019 (SA)

Aged Care Act 1997 & Accountability Principles 2014 (Cth)

Disability Discrimination Act 1992 (Cth)

Equal Opportunity Act 1984 (SA)

Australian Human Rights Commission Act 1986 (Cth)

Racial Discrimination Act 1975 (Cth)

Sex Discrimination Act 1984 (Cth)

National Principles for Child Safe Organisations (AHRC) 2018

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

Signed:  Date: 26/3/25
Chief Executive Officer

ATTACHMENT A

Positions which require a relevant Screening Check through the Department of Human Services Screening Unit.

Any positions who work with children are defined as a Prescribed Position. Including but not limited to Council Officers in Community Facilities, Events and Community Development Employees.

***Position list will remain under review as new roles are created or job titles change*

All City of Unley employees who work in Library, Museum, Community Centre or Swimming Centre locations

Volunteer positions in the above locations

Manager Community Connections (or similar if affected by title change)

Manager Community and Cultural Centres (or similar if affected by title change)

Cultural Development Coordinator (or similar if affected by title change)

Community Development Project Officer – Youth

Events Coordinator

Volunteer Coordinator

Climate and Sustainability team members

Team Leaders and Supervisors of above positions

Positions who work with people living with disability, aged or other vulnerable people are also subject to similar screening requirements as those working with children and young people. Such positions will undergo the required screening – either Working with Children, Aged Care or Disability – through the Department of Human Services Screening Unit

***Position list will remain under review as new roles are created or job titles change*

All employee and volunteer positions funded by the Commonwealth Home Support Program

