1. Purpose

This policy outlines Council’s commitment to ensure that a safe and secure environment is maintained for all children, young people and other vulnerable people that access Council’s services and facilities.

It also aims to ensure that all relevant Council employees are aware of their duty of care responsibilities for the protection, safety and wellbeing of children, young people and vulnerable people at all times.

2. Scope

This policy applies to all employees and elected members of Council who work wholly or partly with children or other vulnerable people.

This policy will be communicated to all relevant audiences to ensure awareness and understanding of Council’s commitment to ensuring a safe environment for vulnerable people.

3. Principles

Council regards the interests of children, young and other vulnerable people in our community as paramount and acknowledges that harm to children, young people and vulnerable people is unacceptable, illegal and must not be tolerated or ignored. While some factors are outside the control of Council, it is acknowledged that Council has a role to play in fostering a safe local environment and contributing to a whole of community effort towards the protection of children, young and vulnerable people from harm.

In addition to a moral obligation, the Children’s Protection Act 1993 (SA) places a legal obligation on Council’s (and all other organisations providing a service wholly or partly to children) to ensure all children in their care are safe from harm. Requirements for criminal history checks for certain employees working in the area of aged care also apply.

4. Definitions

**Children / Child**

Refers to a person under 18 years of age.

**Child Abuse**

Refers to all aspects of abuse, that is, neglect, physical, emotional, psychological and sexual.

**Criminal History Screening**

Refers to the process where a report is obtained from the Department of Human Services Screening Unit, which is authorised under different Acts and Regulations to conduct checks mandated by legislation, including:

- Working with Children Checks;
- Disability Services Employment Screening;
- Aged Care Sector Employment Screening;
- Checks not mandated by legislation

- Vulnerable Persons Related Employment Screening; and,
• General Employment Probity Screening.
  Refers to a person aged 65 or older.

**Elder Abuse:**
Refers to all aspects of abuse, that is, neglect, physical, verbal, sexual, financial and social.

**Employees**
Includes staff, volunteers, contractors and consultants employed on a full time, part time, casual or contract basis by the Council; and also includes elected members for the purposes of the application of this Policy.

**Harm**
Refers to all aspects of harm, including neglect, physical, psychological, emotional, financial and sexual.

**Mandatory Reporting Obligation**
Any person or employee providing services to children must report any suspicion of harm of a child to the Department for Child Protection, 24 hour, 7 day a week Child Abuse Reporting Line (CARL) on 131 478 or online.

**Prescribed Position**
A position that involves providing services to children and:

• has regular contact with children, young and vulnerable people, and is not directly supervised at all times;
• works in close proximity to children on a regular basis, or fewer, extended intense periods of contact which may be away from the person’s usual environment and are not directly supervised at all times;
• supervises/manages those in positions requiring regular contact with children, young and/or vulnerable people;
• has access to personal records relating to children in connection with child protection services, education services, health services, disability services and court orders and proceedings;
• functions of a type prescribed by regulation.

**Vulnerable People**
Refers to those who may be at risk of abuse or exploitation due to their dependency on others or experiences of disadvantage, and could include people with a physical, intellectual or psychological disability, the frail elderly, children, people from culturally and linguistically diverse backgrounds, refugees, and those living in poverty.

**Young People**
Aged between 18 and 25 years, usually referring to individuals that may also be Vulnerable People in the context of this Policy.

5. **Policy Details**
Council employees are required to comply with all Council policies, local procedures, Code of Conduct for Council Employees and the Code of Conduct for Council Members.

Fostering the safety of children, young people, and other vulnerable people is integral to the delivery of services and programs.

Children, young people, and other vulnerable people:

• Need to know they have the right to be safe from harm at all times
• Are entitled to basic human rights regardless of special needs, cultural or socioeconomic factors
• Are deserving of respect, care and protection
• Are entitled to the support of a responsible person if they experience or are at risk of harm or if they feel unsafe.

6. **Application of Policy**
Council commits to:

• Encouraging the reporting of any incident of discriminatory behaviour towards children, young and/or vulnerable persons to the relevant authority;
• Taking all reasonable steps to ensure that it engages the most suitable and appropriate people to work with, and provide services to, children, young people and other vulnerable persons;
• Maintaining a rigorous employee and volunteer recruitment and/or screening/selection process, that will include a relevant Criminal History Screening for prescribed positions;
• Monitoring and ensuring the renewal of screening for employees and volunteers in prescribed positions and other relevant roles in line with legislation;
• Ensuring that contractors, sub-contractors and agents who will be working in a prescribed position have the relevant Criminal History Screening before they are engaged to undertake work for Council;
• Implementing an ongoing training and support program for employees involved in the delivery of services and programs to ensure they are able to fulfil their duty of care;
• Establishing appropriate procedures for fulfilling mandatory reporting obligations and dealing with complaints and issues effectively as they arise;
• Cooperating with other relevant agencies in matters concerning protection of children, young people, and vulnerable people from harm;
• Developing and maintaining risk management strategies and procedures to minimise harm to children, young people, and other vulnerable people;
• Developing and maintaining internal procedures and guidelines that underpin the requirements of the Children and Young People (Safety) Act 2017 and the Children and Young People (Safety) Regulations 2017 to ensure compliance with this policy;
• Establishing and maintaining local procedures and developing additional strategies to minimise and control risks that directly impact on the delivery of specific programs and services for children, young and other vulnerable people;
• 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;
• Undertaking risk assessments to assess the provision of a safe environment;
• Keeping record of required information in line with Council’s record procedures;
• Implementing the Local Government of South Australia’s Information Sharing Guidelines, including providing the relevant training and development.

7. Legislative and Corporate Framework

The following legislation applies to this policy:

Children and Young People (Safety) Act 2017

Section 30 of this Act establishes mandatory reporting obligations for those individuals in a prescribed position who suspect that a child is being harmed.

Under Sections 31(1) and 31(4) of this Act, certain persons are obligated to notify the Department of Child Protection (SA) through the Child Abuse Report Line (CARL) either by telephone or online if they suspect, on reasonable grounds, that a child has been or is being harmed and the suspicion is formed in the course of their work (paid or voluntary) or in carrying out official duties.

Failure to comply with mandatory reporting obligations is serious and gives rise to an offence under the Act, whereby a maximum penalty of $10,000 applies.

Section 114 requires implementation and maintenance of policies and procedures designed to ensure that safe environments for children and young people are established and maintained.

Section 115 requires that policies and procedures prepared or adopted must be reviewed at least once in every five year period.

Failure to comply with Sections 114 or 115 gives rise to an offence under the Act, whereby a maximum penalty of $10,000 applies.

Children and Young People (Safety) Regulations 2017

These Regulations underpin the requirements under the Children and Young People (Safety) Act 2017. The Regulations are amended from time to time and must be read in conjunction with the Children and Young People (Safety) Act 2017.

Child Safety (Prohibited Persons) Act 2016
Section 17 requires that an employer must not employ a person in a prescribed position unless a Working with Children Check has been conducted in relation to the person within the proceeding five years and the person is not prohibited from working with children.

Section 18 requires that Working with Children Checks must be conducted at least every five years.

Failure to comply with Sections 17 or 18 may result in a maximum penalty of $50,000.

Section 19 requires that the central assessment unit must be notified if they become aware of any assessable information in relation to a person employed in a prescribed position.

Failure to comply with Section 19 may result in a maximum penalty of $25,000.

**Child Safety (Prohibited Persons) Regulations 2019**

These Regulations underpin the Child Safety (Prohibited Persons) Act 2016 and define prescribed positions and child related work. The regulation is amended from time to time and must be read in conjunction with the Child Safety (Prohibited Persons) Act 2016.

**Disability Services Act 1993**

This Act requires that disability service providers funded under the Act must ensure that before a person is appointed or engaged in a prescribed position, he or she undergoes an assessment of his or her relevant history by an authorised screening unit. People seeking to work or volunteer with people with a disability in South Australia are required to undergo disability services employment screening.

**Aged Care Act 1997 (Commonwealth)**

This Act and associated Principles requires that organisations funded by the Commonwealth to provide aged care services should be satisfied that a person providing these services has not committed a precluding offence. Precluding offences are defined as: a conviction for murder or sexual assault or a conviction of, and sentence to imprisonment for, any form of assault. Any person with a conviction for a precluding offence must not be employed, contracted, hired, retained or accepted as an unsupervised volunteer in aged care service subsidised by the Commonwealth.

**Criminal Law Consolidation Act 1935**

Sexual offences are set out in the Criminal Law Consolidation Act and include Rape (section 48), unlawful sexual intercourse (section 49), persistent sexual abuse of a child (section 50), sexual exploitation of a person with a cognitive impairment (section 51), indecent assault (section 56).

Reference to other Acts:

The **Sex Discrimination Act 1984 (Commonwealth), Disability Discrimination Act 1992 (Commonwealth), Racial Discrimination Act 1975 (Commonwealth), and Equal Opportunity Act 1984** make sexual harassment and discrimination on the grounds of sex, marital status, sexuality, pregnancy, race, impairment, and age unlawful in the provision of goods and services.

Within the terms of the above legislation, Council is responsible for its own conduct as well as the conduct of its employees.

**Council documents**

- Code of Conduct for Council Employees
- Code of Conduct for Council Members
- Council Employees Records Management Policy
- Volunteer Management Policy
- Code of Conduct Policy (Library Services)
- Risk Management Policy

**External documents**
• Child safe environments: Principles of good practice and Child safe environments (South Australian Department for Education)
• Disability Services (Assessment of Relevant History Regulations 2014 (Regulation 9)
• Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children issued by the Chief Executive (South Australian Department for Education)
• Local Government of South Australia’s Information Sharing Guidelines

8. Policy Review and Re-evaluation
The Children and Vulnerable Persons’ Safety Policy will be reviewed triennially in line with Council’s Policy Framework, or earlier in the event of major changes to legislation or related policies/procedures or if deemed necessary by the Chief Executive Officer or nominee.

9. Access to Policy
This Policy is available on Council’s website: www.light.sa.gov.au
Hard copies can be provided in accordance with Council’s Fees and Charges Register at Council’s Office at 93 Main Street, Kapunda SA 5373

10. Further Information
For further information about the Children and Vulnerable Persons’ Safety Policy please contact:
General Manager, Business and Finance
Light Regional Council
93 Main St
Kapunda SA 5373

History of Policy Amendment
2. Policy reviewed at meeting of Council dated 22 April 2014 2014, (previously known as 9.3 Safe Environment Policy but renamed to 2.5 Working with Vulnerable People Policy) see Minutes Reference Page 2014/76
3. Policy reviewed at meeting of Council dated 22 October 2019 (previously known as 2.5 Working with Vulnerable People Policy but renamed to Children and Vulnerable Persons’ Safety Policy) see Minutes Reference Page 2019/319.