Child Safe Environment Policy

Council Policy

Renmark Paringa Council

Responsible Officer	Director Community & Corporate Services
Relevant Legislation	Children and Young People (Safety) Act 2017 (SA) Children and Young People (Safety) Regulations 2017 (SA) Child Safety (Prohibited Persons) Act 2016 (SA) Child Safety (Prohibited Persons) Regulations 2019 (SA) DHS Principles of Good Practice
Adopted	August 2023
Reviewed	March 2025
Next Review	March 2029

Purpose

Council is committed to the safety and wellbeing of children and young people who access our services. We support the rights of the children and young people in the community and will act without hesitation to ensure a safe environment is maintained at all times. 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 and young people.

In addition to the moral obligation to address any harm or risk of harm to children, amendments to the *Child and Young People (Safety) Act 2017* (SA) (the *Safety Act*) places a legal obligation on Councils (and all other organisations providing a service wholly or partly to children) to ensure all children are safe from harm.

Scope

Renmark Paringa Council delivers a varied range of services and functions which can bring Elected Members, employees and volunteers into contact with children and young people. This could be either as a main part of their role or indirectly when they are carrying out their work. Council recognises we all have a responsibility to protect children and young people. Children and young people have the right to be safe, happy and healthy and deserve protection from harm or risk of harm. Council is committed to respectfully safeguarding children and young people who access services and are involved in any of its activities with Council.

This policy aims to ensure the Council and its facilities are safe environments for children and young people and that they are protected from harm or risk of harm. This policy also aims to ensure that all relevant Council managers, employees, volunteers, contractors and consultants are aware of their duty of care responsibilities for the protection, safety and wellbeing of children and young people at all times.

Legal Obligations

Child Safe Environments

Section 114(1) of the Safety Act requires Council and subsidiaries to have in place policies and procedures for ensuring:

- 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 Principles for Good Practice issued by the Chief Executive of Department of Human Services as varied from time to time.

Mandatory Reporting

Section 31(1) 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 recreation, 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; and

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 harm or risk of harm of a child to the Child Abuse Report Line (telephone 24 hours a day, 7 days a week on 13 14 78) or online at https://my.families.sa.gov.au/IDMProv/landing.html

Reporting Suspected Child Sexual Abuse

Section 64A of the Criminal Law Consolidation Act makes it a criminal offence if an employee (this includes contractors, volunteers, students on placement) of the organisation knows, suspects, or should have suspected that another employee is engaging, or is likely to engage, in the sexual abuse of a child and does not report that knowledge or suspicion to the police.

There are significant legal protections for reporting the suspicion to police in good faith.

The maximum penalty for failing to report their suspicion to police is 3 years' imprisonment.

Failing to Protect a Child from Sexual Abuse

Section 65 of the Criminal Law Consolidation Act makes it a criminal offence if an employee of the organisation knows there is a substantial risk that another employee will engage in the sexual abuse of a child, and they have the power or responsibility to remove or reduce that risk, but negligently fail to do so.

It is not necessary for abuse to have already occurred.

The maximum penalty for failing to protect a child accordingly is 15 years' imprisonment.

Compliance Statements

Organisations providing services to children and young people must lodge a child safe environments compliance statement with the Department of human Services and lodge a new statement each time policy(ies) are reviewed and updated (or every 5 years, whichever occurs first).

Definitions

Definitions for the purpose of this Policy are:

Child or Young Person	Refers to a person under 18 years of age
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.
Working with Children Check	Refers to the screening process conducted by the Department of Human Services (DHS) Screening Unit. Status is granted as either "prohibited" (*cannot* work with

	children) or "not prohibited" (*can* work with children). A "not prohibited" check is valid for 5 years, and continuously monitored by the DHS Screening Unit.
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 education / vocational training or elected members.

Principles

The following principles underpin this policy:

- Harm or risk of harm to children and young people is illegal and must not be tolerated or ignored;
- Children and young people deserve respect, care and protection of their human rights regardless of special needs, cultural or socioeconomic factors;
- Children and young people should know that they have the right to be safe from harm or risk of harm at all times;
- Children and young people are entitled to the support of a responsible person if they experience or are at risk of experiencing harm; and
- Council has a role to play in fostering a safe local environment and in contributing towards the protection of children and young people from harm or risk of harm.

Policy Objectives

Council is committed to ensuring the organisation and Council facilities are safe environments for children and vulnerable people.

In particular, the following standards reflect the guidance provided by DHS on appropriate standards of conduct for adults in dealing with children.

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, and organisational culture.

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.

Recruitment, Selection and Enhancing Performance

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.

Involvement in decision-making

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.

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.

Responsibilities

The Council will:

- promote the protection of children and young people from harm.
- Respond 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.

The Chief Executive Officer will:

- ensure the Policy is implemented, monitored, reported on and evaluated
- awareness of mandatory reporting requirements, procedures and associated legal responsibilities
- recruitment and selection in accordance with Council policies, procedures and requirements for criminal history screening of existing employees and preferred applicants for prescribed positions
- ensure significant changes to relevant legislation are brought to the attention of Council in a timely manner

Directors are responsible to:

- effective implementation of the policy, procedures and safe work practices
- awareness and promotion of acceptable behaviours when dealing with children and young people
- provide appropriate induction and ongoing training and support as required
- establish and maintain supportive procedures for fulfilling mandatory notification requirements and ensure mandated notifiers understand their legal responsibilities
- report any reasonable suspicion of harm or risk of harm in accordance with Councils Children and Vulnerable Person's Safety Reporting Procedure including maintaining appropriate records
- maintain confidentiality and fully cooperate with the Department for Child Protection, the South Australian Police and other relevant government agencies in their investigations of suspected harm or risk of harm of a child or young person if required

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 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.

Review

The effectiveness of this Policy will be reviewed every four years. The Director Corporate & Community Services will report to Council on the outcome of the review and make recommendations for amendment, alteration or a substitution of a new Policy if considered necessary.

Document Control

Version #	Approval Date	Approved by	Amendment
1	August 2023	Policy Review Committee	New Policy
2	March 2025	Policy Review Committee	Updated throughout to align with child safe guidelines provided by LGA.