



Policy Name	Children and Vulnerable People Safe Environment
Policy Number	CS31
Responsible Section	People and Culture
Responsible Department	Corporate Services
Date Last Adopted	12 December 2023
Date of Next Review	December 2026
Applicable Legislation	<p>The following Acts, Regulations, Principles and Guidelines provide the legislative framework for this policy:</p> <p>Commonwealth Legislation Aged Care Act 1997 Disability Discrimination Act 1992 Sex Discrimination Act 1984 Commonwealth Aged Care Accountabilities Principles 1998 National Principles for Child Safe Organisations 2019 Commonwealth Child Safe Framework 2019</p> <p>South Australian Legislation Local Government Act 1999 Disability Services Act 1993 Criminal Law Consolidation Act 1935 Children and Young People (Safety) Act 2017 Child Safety (Prohibited Persons) Act 2016 Children and Young People (Safety) Regulations 2017 Child Safety (Prohibited Persons) Regulations 2019 Ageing and Adult Safeguarding Act 1995 National Principles for Child Safe organisations</p>
Related Governance Documents	Code of Conduct for Council Employees Council Policy – Volunteer Management Policy Council Policy – Enterprise Risk Management Policy Administration Policy – Records Management Policy Administration Guidelines – Volunteer Screening Administration Guidelines – Recruitment and Selection Administrative Procedure – Risk Management
City Plan Theme	Leadership Community Place-Making

1. PURPOSE/OBJECTIVE

The City of Port Adelaide Enfield (Council) is committed to promoting and protecting the safety and well-being of all children, young people and vulnerable people, we recognise the importance of establishing and maintaining a safe environment where bullying and harassment will not be tolerated and where everyone is valued regardless of their abilities, sex, gender, or social economic or cultural background

This policy aims to provide a consistent standard of best practice across Council in safeguarding children, young people and vulnerable people. This will be achieved through an organisation wide commitment embedded in policies, behaviours and practices.

This policy must be read in conjunction with the Volunteer Screening Guidelines and Recruitment and Selection Guidelines.

2. SCOPE

This policy applies to all Council workers, this includes any person carrying out work for Council whether they are mandated notifiers or not.

3. POLICY

A safeguarding organisation is the product of a range of strategies, behaviours, record keeping and initiatives. The following policy principles promote a safeguarding organisation.

3.1 Safeguarding culture

Council ensures that the fundamental rights of children, young people and vulnerable people are respected and safeguarded. This is achieved through establishing and promoting an organisational wide commitment to maintaining a safe environment where a safeguarding culture is embraced and embedded in appropriate principles, behaviours and activities that are safe for all children, young people and vulnerable people.

3.2 Empowerment and participation

Council encourages and respects the views of children, young people and vulnerable people who access our services, information can be found on Council's website via PAE Youth and Participate PAE. We involve them in decision making and listen and act upon any feedback or complaints that they and/or their families/carers raise with us.

Council ensures that children, young people and vulnerable people and their families/carers know their rights; how to access services, and/or advice; and the complaints processes available to them. Information on services and programs, aiming to connect young people and vulnerable people to a wide range of activities, events, services and information are available, including in various languages, on the council's website or by contacting the Council.

3.3 Recruitment practices

At the City of Port Adelaide Enfield Council we ensure that vigorous screening processes occur so that only suitable and appropriate people work with children, young people and vulnerable people. Details of these obligations, responsibilities and processes are set out in the Volunteer Screening Guidelines and Recruitment and Selection Guidelines.

3.4 Identify, report and respond to suspicion that a child, young person or vulnerable person may be at risk

Council supports mandated notifiers to meet their statutory obligations to report any reasonable suspicion that a child or young person is at risk of harm as required under Section 30 and 31 of the *Children and Young People (Safety) Act 2017 (SA)*.

Council recognises that all workers have a moral responsibility to ensure the safety of children, young people and vulnerable people. Workers who do not have a legal obligation, as mandated notifiers, may make voluntary notifications, if they have a reasonable concern that there is a risk. Council ensures that all workers:

- Are able to identify, report and respond to children, young people and vulnerable people at risk of harm and;
- Understand their obligations to
 - notify the Child Abuse Report Line (CARL) on 13 14 78 immediately if they have a suspicion that a child or young person may be being harmed or is at risk of harm.
 - Contact South Australian Police (SAPOL) immediately on 000 if it is believed that a child, young person or vulnerable person are in immediate danger or a life-threatening situation.
 - Contact the South Australian Police if they suspect that a child or young person is being sexually abused.
 - Contact the South Australian Abuse Prevention Phone Line on 1800 372 310 or make a report to the Adult Safeguarding Unit website if they suspect that a vulnerable adult is at risk or harm and/or is being harmed.
 - Mental health triage on 131465 in a mental health emergency.

At Council mandated notifiers as per the Children and Young People (Safety) Act 2017 have access to information and training resources to ensure they understand their personal and organisational obligations for child safety and protection. This includes being directed to relevant information resources including:

- [Department for Human Services Child safe environments website](#)
- [Department for Child Protection website.](#)

In the event that a worker makes a report they will, as soon as practicable, inform their manager, and the Manager People and Culture. The Manager People and Culture will provide advice on what internal reporting will be required and the supports available.

Council recognises that support may be required for the child, young person or vulnerable person when a notification is made, and we will assist to identify appropriate services for them and/or their family.

Failure by workers to report a reasonable suspicion that a child or young person has or is being harmed or at risk of harm is in breach of this policy and will result in appropriate disciplinary action being initiated against the worker by the City of Port Adelaide Enfield.

Failure by mandated notifiers to report is also an offence under the Children and Young People (Safety) Act 2017(SA) and carries a maximum penalty of \$10,000.

City of Port Adelaide Enfield (Council) recognises the importance of taking complaints and allegations raised by or about workers seriously and dealing with them promptly, impartially and confidentiality in accordance with the procedures outlined in our Grievance Resolution Procedure.

3.5 Strategies to minimise risk

Council seeks to identify, assess and determine all potential and actual sources of harm and will take reasonable steps to minimise the risk to children, young people and vulnerable persons who access our services. Strategies, including using available risk assessment tools, to minimise risks, occur as part of our ongoing risk management process.

3.6 Training

Workers who work with children, young people and vulnerable people are provided with supervision, support and refresher training (every three years), to ensure they can maintain a safe environment and are able to identify and respond to suspicions of risk of harm.

Workers who are mandated notifiers receive appropriate and regular training from DHS endorsed providers. Updates on their mandatory training obligations is recorded in the secure database. and reports are generated and monitored monthly. Updated records are located on personnel files.

3.7 Communication and Respect

Council respects and values the views of children, young people and vulnerable people that access our services. We listen and act upon the concerns that they or their families raise with us. We work to ensure they know their rights and how to access information or need to access.

This policy is publicly available on the City of Port Adelaide Enfield website at all times and children, young people and vulnerable people receiving or accessing services provided by City of Port Adelaide Enfield will be advised of their rights including the complaints and feedback process.

3.8 Collaboration and Information Sharing

Council works in partnership with government, other organisations and people who access our services to promote and protect the safety and wellbeing of children, young people and vulnerable people.

Information may be shared when it is believed a person is at risk of harm and adverse outcomes can be expected unless appropriate services are provided.

3.9 Privacy of children and vulnerable people

Maintaining the privacy of children, young people and vulnerable people who participate in our services is paramount in ensuring their safety and wellbeing. All personal information recorded respects the privacy of the individuals involved unless there is a risk to someone's safety. All records are stored in accordance with the City of Port Adelaide Enfield Records Management Policy.

The release of images of a child, young person or vulnerable person to the public has the potential to adversely impact their safety and well-being. As such, Council will obtain permission from a child or vulnerable people in writing, or their parent/guardian as required, before taking an image.

When gaining consent, the child or vulnerable person and their parent/guardian are informed about the nature of the use of the image as well as how the image will be stored and how the image can be accessed by the parent/guardian.

Council will ensure that we display a "notice of filming and photography" at Public Events, informing visitors to the event that photography and filming may occur.

All images are held and stored in accordance with Council's Records Management policy.

3.10 Respect Diversity

Family structures and customs vary across different cultural groups. Working with the strengths and support systems available within families, ethnic groups and communities is essential to ensuring cultural factors do not disadvantage children, young people and vulnerable people.

To respond appropriately to the needs of people from diverse backgrounds, workers seek advice and guidance whenever they are involved with families whose culture is unfamiliar to them.

4. DEFINITIONS

Ageing and Adult Safeguarding Act 1995 – is an act to establish the Office for Ageing Well and has a strong focus on safeguarding the rights of adults at risk of harm or abuse. The Act respond to concerns of abuse of vulnerable adults aged 65 years and over and Aboriginal and/or Torres Strait Islander People aged 50 years and over.

Child or young person – Persons under 18 years of age.

Worker as defined in the *Work Health and Safety Act (SA) 2012* a worker is any person carrying out work in any capacity, including employees, contractors or sub-contractors or their employees, employees of labour hire companies, outworkers, apprentices and trainees, students gaining work experience, volunteers, and persons of a prescribed class.

Mandated notifier or reporter – For Councils, A mandated notifier is:

- A position in which a person works, or is likely to work, with children or young people; or
- Manages a person who provides services to a child or young person, or
- Any other position, or a position of a class, prescribed by the regulations.

Risk – For the purpose of the Policy the definition of *at risk* is adopted from the *Children and Young People (Safety) Act 2017* and to be at risk if:

- the child or young person has suffered harm (being harm of a kind against which a child or young person is ordinarily protected) or
- there is a likelihood that a child or young person will suffer harm (being harm of a kind against which a child or young person is ordinarily protected).

Harm - For the purpose of the Policy the definition of *harm* is adopted from the *Children and Young People (Safety) Act 2017* and will be taken to be physical harm or psychological harm including, sexual, physical, mental or emotional abuse or neglect.

Safeguarding – protecting the welfare and human rights of people, particularly those that might be at risk of harm, risk of harm, abuse, neglect, or exploitation.

Working with children check – People working or volunteering with children in South Australia must, by law, have a valid, Working with Children Check. A Working with Children Check is an assessment of whether a person poses an unacceptable risk to children. As part of the process, the Screening Unit will look at criminal history, child protection information and other information.

Reasonable grounds to suspect – where a person has information that leads them to believe that harm or risk of harm or exploitation is or has taken place or may take place. Information on “Reasonable grounds to suspect” can be found at the following websites:

- South Australian Adult Safeguarding Unit website
- South Australian Department of Child Protection website

Vulnerable People - Those aged 18 or over, who may be in need of services due to age, illness or a mental or physical disability; social isolation or who may be unable to take care or protect themselves against significant harm or exploitation.

Volunteer – a person who volunteers for a service or activity which is of benefit to the community where there is no financial gain for the individual.

5. RESPONSIBILITIES

Council

- Adopt the Policy
- Promote protection, safety and wellbeing of children, young people and other vulnerable people

Chief Executive Officer

- Ensure the Policy is implemented, monitored, reported on and evaluated
- Is responsible for ensuring employees understand mandatory reporting requirements, procedures and associated legal responsibilities.

Directors, Managers and Leaders

- Promote a positive culture towards safeguarding
- Understand mandatory reporting requirements, procedures and associated legal responsibilities
- Ensure workers and volunteers, including those who are mandated notifiers are aware of their obligations and have appropriate skills knowledge, training and support
- Ensure that any person in a prescribed position or involved in any activity where a valid working with children check is required, has a valid and current clearance

All Workers

- All Council workers will apply the principles and abide by this policy.
- Familiarise themselves with the relevant laws, the Code of Conduct, policies and procedures for safeguarding.
- Council workers involved in activities with children and/or vulnerable people have obligations under the *Children and Young People (Safety) Act 2017 (SA)*
 - To report any reasonable suspicion that a child or young person is at risk of harm
 - Ensure they are aware of the legal obligations and the consequences of failure to comply
 - Ensure they are able to identify, report and respond to children and young people at risk

People and Culture

- Ensure appropriate record systems are used to monitor the currency of clearances and training for all prescribed position holders or as otherwise required and that this information is provided to Managers in a timely manner.
- Provide guidelines on expected behaviours and responsibilities for all workers as appropriate for their role.

Review

This Policy will be reviewed every three years but may be actioned earlier according to feedback received and or contextual changes.

Council will lodge a new child safe environments compliance statement after every review of this policy.