

# Children, Young People and Vulnerable Persons' Safety and Wellbeing Policy

<b>Policy Reference Number</b>	5979790
<b>Responsible Department</b>	Corporate Services
<b>Related Policies</b>	Risk Management; Ageing Well; Volunteers; Youth; Physical Activity and Sports; Council Facility Hire; Arts and Cultural Development; Access and Inclusion; Library Service; Staff Conduct Policy
<b>Related Procedures</b>	Criminal History Screening Procedures; Children, Young People and Vulnerable Persons' Guidelines, CHSP Client Emergency and Non-Responsive Procedure, CHSP Extreme Weather Procedure, CHSP Incident Management Procedure
<b>Date of Initial Adoption</b>	21 March 2006
<b>Last Reviewed by Council</b>	4 December 2023

## 1. Purpose

The Council (City of Campbelltown) is committed to the safety and wellbeing of children, young people and other vulnerable people who access services and programs. Council supports the rights of Children and Young People, and Vulnerable People in the community and will act without hesitation to ensure a safe environment is maintained at all times. Council will also support the rights and wellbeing of our Employees and encourage their active participation in building and maintaining a safe environment for all.

In addition to the moral obligation to address any harm to Children and Young People, amendments to the Children and Young People (Safety) Act 2017 (SA) (the Safety Act) places a legal obligation on Councils to ensure all Children and Young People are safe from harm.

This Policy aims to ensure the Council organisation and facilities are safe environments for Children, Young People and other Vulnerable 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, and other Vulnerable People at all times.

### Who Does the Policy Apply To?

This Policy will apply to Council Elected Members, Employees, volunteers, contractors, consultants, students on placement, work experience students and any others providing services wholly or partly to children, or who work near children.

The Policy will be communicated to all relevant audiences to ensure awareness and understanding of Council's commitment to ensuring a safe environment. This will include Council, Elected Members, Employees, volunteers, contractors, consultants, parents, carers and children where relevant.

## 2. Legal Obligations

This Policy reflects Council's commitment and legislative responsibility in meeting the requirements of the Child Safe Standards, Children and Young People (Safety) Act 2017 (SA), Disability Services Act 1993 and Disability Services (Assessment of Relevant History) Regulations 2014; and Aged Care Act 1997.

### 2.1 Child Safe Environments

Section 114(1) of the Safety Act requires Councils 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 of Good Practice issued by the Chief Executive of Department of Human Services as varied from time to time.

### 2.2 Mandatory Reporting – Children and Young People

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 recreational, 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 and Young People.

Mandated notifiers must report any suspicion of abuse or neglect of a Child or Young Person 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>

### 2.3 Mandatory Reporting – Vulnerable People

The Aged Care Act 1997 places legal obligations on approved providers of aged care services to:

- prevent and manage incidents, focusing on the safety, health and wellbeing of consumers
- use incident data to drive quality improvement
- notify reportable incidents to the Aged Care Quality and Safety Commission (Commission).

Providers must notify reportable incidents in accordance with Serious Incident Response Scheme requirements.

### 3. Power to Make the Policy

The following Acts and Regulations provide the legislative framework for this Policy:

- Commonwealth legislation
  - Aged Care Act 1997
  - Disability Discrimination Act 1992
  - Sex Discrimination Act 1984
  - National Principles for Child Safe Organisations
- South Australian legislation
  - Criminal Law Consolidation Act 1935
  - 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)
  - Children's Protection Act 1993
  - Equal Opportunity Act 1984
  - Office for the Ageing Act 1995
- Relevant Council policies, procedures and standards of conduct documents

### 4. Strategic Plan Link

This Policy has the following link to Council's Revised Strategic Plan 2024:

- Supporting our Community (Goal 1)

### 5. Principles

The following principles underpin this policy:

- Everybody has a responsibility to support the care and protection of Children and Young People, as well as other Vulnerable People within the Community.
- The Council has a duty of care to Children and Young People, and other Vulnerable People with whom they work and with whom their agents, contractors and subcontractors work.
- All Children and Young People, and other Vulnerable People deserve respect, care and protection of their human rights regardless of their abilities, sex, gender, special needs, cultural or socioeconomic factors. The Council has a duty of care to foster a safe local environment in contributing towards the protection of Children and Young People, and other Vulnerable People from harm or risk of harm.
- Children and Young People, and other Vulnerable People should feel safe from all forms of Harm at all times, do well at all levels of learning, enjoy a healthy lifestyle and be active citizens who have a voice and influence. All forms of abuse

of anyone is abhorrent, illegal, can cause long-lasting and inter-generational effects, and under any circumstances, must not be tolerated or ignored.

- The Council will take all appropriate legislative, administrative, social and educational measures to protect Children and Young People, and other Vulnerable People from all forms of abuse, neglect or negligent treatment, while they are in its care.

## 6. Definitions

Definitions for the purpose of this Policy are:

<b>Abuse</b>	Refers to all aspects of abuse, that is, neglect, physical, emotional, psychological and sexual.
<b>Acts</b>	Any Act of Parliament (Federal or State) listed in, but not limited to, Clause 3 of this Policy.
<b>CEO</b>	Means anyone appointed or acting in the role of Chief Executive Officer at the Council.
<b>Child / Children / Young Person / Young People</b>	Refers to persons under 18 years of age.
<b>Child Abuse Report Line (CARL)</b>	Telephone: 131 478.
<b>Contractors</b>	Contractors and subcontractors includes any supplier, provider or business and their employees that provides services to the Council.
<b>Council</b>	Means the Campbelltown City Council.
<b>Criminal history screening</b>	Refers to the process where a report is obtained from the Department of Child Protection or the Department of Human Services or another prescribed source regarding the criminal history of a person for the purposes of determining whether that person is suitable to work with Children.
<b>Department</b>	Is the Department for Child Protection / Human Services.
<b>Disability / Disabled Person</b>	As defined in Section 4 of the Disability Discrimination Act 1992 (Cth).
<b>Elder</b>	Refers to a person aged 65 or older.
<b>Elder Abuse</b>	Refers to all aspects of abuse, that is, neglect, physical, verbal, sexual, financial and social.
<b>Elected Member(s)</b>	Refers to a person who has been elected to a position on the Campbelltown City Council
<b>Employees</b>	Refers to any member of Council staff, volunteers, or work experience students who are employed or engaged, part-time, full-time, fixed term or on a casual basis.
<b>Harm</b>	Refers to any detrimental effect of a significant nature on a child's physical, psychological or emotional well-being. Harm

	may be caused by physical, mental or emotional abuse, neglect, and/or sexual abuse or exploitation.
<b>Mandated Notifier</b>	<p>Any person who is an Employee of the Council who:</p> <ul style="list-style-type: none"><li>• Provides services directly to Children and Young People; or</li><li>• Provides services to vulnerable My Aged Care clients; or</li><li>• Holds a management position within the Council, which includes direct responsibility for, or direct supervision of, the provision of services directly to Children and Young People.</li></ul>
<b>Prescribed Organisation</b>	<p>Prescribed Organisations (as defined by Section 8C of the Children's Protection Act 1993 are:</p> <ul style="list-style-type: none"><li>• Government organisations; and</li><li>• Non-government organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care, cultural, entertainment or party, or residential services wholly or partly for children; and</li><li>• Non-government organisations of a class prescribed by regulation.</li></ul>
<b>Prescribed Function</b>	<p>Prescribed Functions are:</p> <ul style="list-style-type: none"><li>• Regular contact with Children and Young People or working in close proximity to Children and Young People on a regular basis unless that contact or work is directly supervised at all times;</li><li>• Supervision or management of persons in positions requiring or involving regular contact with Children and Young People or working in close proximity to Children and Young People on a regular basis;</li><li>• Access to records that are prescribed by Regulations relating to Children and Young People; or</li><li>• Functions of a type prescribed by Regulations.</li></ul>
<b>Prescribed Position:</b>	<p>A position in which a person works with Children and Young People or a position in which it is reasonably foreseeable that the person will work with Children and Young People, including people who:</p> <ul style="list-style-type: none"><li>• Provide a service or undertake an activity that is child-related work in the course of their employment;</li><li>• Carry on a business in which an Employee works with Children and Young People (whether or not the person works with Children and Young People); or</li><li>• Are employed to provide preschool, primary or secondary education to Children and Young People (whether or not the person is a registered teacher).</li></ul>



	<p>Prescribed positions may be held by Employees, volunteers, contractors, persons undertaking educational / vocational training or Elected Members.</p>
<b>Reasonable Grounds</b>	<p>'Reasonable Grounds' of suspicion is suspicion that a 'reasonable person' in the same circumstances would form.</p> <p>Employees will not be required to 'prove' that Risk of Harm to a Child or Young person has actually occurred. Rather, Employees will have to demonstrate that they formed a suspicion on 'Reasonable Grounds'.</p>
<b>Regulations</b>	<p>Any Regulation of Parliament (Federal or State) listed in, but not limited to, Clause 3 of this Policy.</p>
<b>Relevant History</b>	<p>As prescribed in Section 8B of the <i>Children's Protection Act 1993</i>.</p>
<b>Reporting Agency</b>	<p>A Reporting Agency includes:</p> <ol style="list-style-type: none"><li>1. Child Abuse Report Line: 131 478; or online at <a href="https://my.families.sa.gov.au/IDMProv/landing.html">https://my.families.sa.gov.au/IDMProv/landing.html</a></li><li>2. National Disability Abuse and Neglect Hotline: 1800 800 052;</li><li>3. Aged Rights Advocacy Service: 8232 5377; or</li><li>4. SA Policy Emergency line: 000.</li></ol>
<b>Risk</b>	<p>A Child, Young or Vulnerable Person will be taken to be at risk if:</p> <ul style="list-style-type: none"><li>• The Child, Young Person or Vulnerable Person has suffered harm (as defined); or</li><li>• There is a likelihood that the Child, Young Person or Vulnerable Person will suffer harm; or</li><li>• Any other circumstance of a kind prescribed by legislation in relation to a Child, Young Person or Vulnerable Person.</li></ul>
<b>Safe</b>	<p>In the context of this policy, means providing programs and facilities that aim to prevent Children and Young People, and Vulnerable People from being abused, neglected, or harmed whilst participating in organised activities on Council land.</p>
<b>Safety Act</b>	<p>Refers to the <i>Children and Young People (Safety) Act 2017</i></p>
<b>Safety Contact Officer</b>	<p>Refers to the Children and Young People Safety Contact Officer. At Council this is the Manager People &amp; Culture.</p>
<b>Vulnerable Person / People:</b>	<p>Refers to an adult person who, by reason of age, ill health, disability, social isolation, dependence on others or other disadvantage, is vulnerable to abuse.</p>

## **7. Policy**

Council is committed to ensuring the organisation and Council facilities are safe environments for Children and Young People, and other Vulnerable People.

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

### **7.1 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 and Young People and other Vulnerable People who use its services. Areas of risk assessment will include human resources, activities and programs, record keeping, physical spaces and organisational culture.

### **7.2 Codes of Conduct**

Elected Members, Employees, volunteers, contractors, consultants, students on placement, work experience students and any others providing services wholly or partly to children, or who work near children, will be required to comply with relevant standards of conduct when providing services to children.

The standards of conduct are supported by relevant grievance procedures to address breaches of behavioural standards. Further information can be sourced from Council's Safety Contact Officer regarding these procedures.

### **7.3 Recruitment, Selection and Training Council Employees**

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, and Vulnerable People.

Applicants for prescribed positions will be screened for their suitability to provide services. Screening will involve Working with Children checks, interviews, referee reports, checking qualifications and previous employment history in working with Children and Young People, and Vulnerable People as applicable.

Council will ensure that Employees who work with Children and Young People or who have access to their personal records have ongoing support and training to develop, enhance and maintain a child safe environment.

### **7.4 Involvement in decision-making**

Council will, where relevant:

- promote the involvement of Children and Young People in service development planning, and
- inform them of their rights and how to access grievance procedures.

## 7.5 Recognising and Reporting Suspected Harm or Risk of Harm

Council will ensure that Council Elected Members, Employees, contractors and consultants providing services to and/or working with Children and Young People are aware of and are trained, and appropriately supported to report any suspicion of harm or risk of harm on reasonable grounds.

Any suspicion of Risk to Children or Young Person will be reported and managed in accordance with this Policy, the 'Children and Young People, and Vulnerable Persons Guidelines' and/or Council's Volunteer Handbook.

The Council Safety Contact Officer and Mandated Notifiers will be the first point of contact if a reasonable suspicion is formed that a Child, Young person or Vulnerable Person is, or may be, at Risk of Harm. The Safety Contact Officer or Mandated Notifier will then inform the CEO (and Manager People & Culture if relevant).

Mandated Notifiers are required to report any reasonable suspicions, formed during the course of a person's employment, that a Child or Young Person is, or may be, at risk to the Child Abuse Report Line (CARL) on 13 14 78 or in relation to a Vulnerable Person to the relevant Reporting Agency. In an emergency situation, the Mandated Notifier or Safety Contact Officer will contact 000 or the appropriate Reporting Agency.

'Reasonable grounds' to report Risk of Harm or suspicion of abuse may include:

- Observations of a Child, Young Person or Vulnerable Person's behaviour and / or injuries that may lead the Employee to suspect a Child, Young Person or Vulnerable Person is, or may be, at Risk of Harm;
- A Child, Young Person or Vulnerable Person informs the Employee that they have experienced Harm or that they know of someone who has been harmed (they may be possibly referring to themselves); or
- Observations of a Child, Young Person or Vulnerable Person's behaviour, or their caregivers, that give cause to suspect that they are, or at risk of, being harmed.

Employees, contractors or any member of the public may report reasonable suspicions of the safety and wellbeing of Children and Young People, and Vulnerable Persons directly to CARL, the Reporting Agency, or to any of the following Employees who will escalate and attend to the report immediately:

- the Safety Contact Officer;
- a Mandated Notifiers; or
- an Employee in a Prescribed Position.

The above Employees may require the assistance of the Employee, contractor or any member of the public who has formed the reasonable suspicion of the safety and wellbeing of the Child, Young Person or Vulnerable Person when reporting the matter.

In the event of an emergency situation, the Employee, contractor or any member of the public should contact 000.

The Council will collaborate and consult with other relevant agencies, where possible, in matters concerning the protection of Children and Young People, and Vulnerable People from abuse.



## 7.6 Roles and Responsibilities

### *Council*

- Adopt the Policy to ensure that the protection and safety of Children and Young People, and Vulnerable People remains a paramount priority for the Council
- Provide leadership to the community regarding the protection of Children and Young People, and other Vulnerable People.

### *Elected Members*

- Have individual responsibility for appropriate behaviour towards Children and Young People, and Vulnerable People to ensure compliance with this Policy.

### *Chief Executive Officer*

- Appoint and retain a Council Safety Contact Officer
- Ensure the Policy is implemented, monitored, reported on and evaluated
- Awareness of the Council's mandatory reporting requirements, procedures and associated legal responsibilities
- Ensure significant changes to relevant legislation are brought to the attention of Council in a timely manner
- Ensure that all Employees and Contractors:
  - are recruited in accordance with criminal history screening requirements and other relevant legislation obligations
  - comply with the Council's Staff Conduct Policy (or equivalent) and standards of care
- Ensure that all Mandated Notifiers have undergone relevant training.

### *Safety Contact Officer*

- Provides support, guidance and advice to Council Elected Members Employees, volunteers and contractors pertinent to Children and Young People, and Vulnerable People safety matters.
- Provision of support, guidance and advice regarding the mandatory reporting procedures.
- A resource for Employees to provide information to receive assistance from regarding whether an incident is reportable, and information regarding the process involved to report a reasonable suspicion of abuse.
- Provide debrief support after an incident / reporting has occurred.

### *General Managers, Managers*

- Undertake recruitment in accordance with Council's Policy, Guidelines and requirements for criminal history screening of existing Employees and contractors
- Ensure the recruitment of Employees and contractors in Prescribed Positions is in accordance with Council's requirements
- Ensure that all Employees and contractors in Prescribed Positions have undergone relevant induction training and understand their role
- Lead the effective implementation of Council's policy, procedures, guidelines, training and inductions, and safe work practices
- Awareness and promotion of acceptable behaviours when dealing with Children and other Young People
- Establish and maintain supportive procedures for fulfilling mandatory notification requirements and ensure Mandated Notifiers understand their legal responsibilities
- Report any reasonable suspicion of abuse of a Child, Young Person or Vulnerable Person to the relevant Reporting Agency
- Support Employees and Contractors and respond to enquiries regarding suspicions of abuse or related issues, maintain appropriate records and ensure records are securely stored
- Maintain confidentiality and fully cooperate with the Department of Criminal Prosecutions, South Australian Police and other relevant government agencies in their investigations of suspected abuse of a Child, Young Person or other Vulnerable Person.

### *People & Culture*

- Ensure all Relevant History assessments of Council Employees and Contractors are undertaken
- Coordinate training for Mandated Notifiers and advise the relevant manager if training is not undertaken.

### *Mandated Notifiers*

- Must, as required under the Safety Act, report any reasonable suspicions that a Child, Young Person or Vulnerable Person is, or may be, at risk, to the appropriate Reporting Agency as soon as practicable after the suspicion is formed
- Undertake training for Mandated Notifiers as requested by Council
- Mandated Notifiers in supervisory roles must ensure that Employees in Prescribed Positions that report to them are aware of their duty to report any reasonable suspicion of Risk of Harm to a Child, Young Person or Vulnerable Person to the Safety Contact Officer, a Mandated Notifier or the relevant Reporting Agency.

### *Prescribed Positions*

- Employees in a Prescribed Position must have obtained an assessment of their Relevant History from an accredited agency or broker as approved by Council, in the last five years (for Working with Children) or the last three years (for Aged/Vulnerable Persons or other checks).
- Employees in a Prescribed Position must undergo the required relevant induction training as requested by Council.
- Employees in a Prescribed Position that form a reasonable suspicion of Risk of Harm to a Child, Young Person or Vulnerable Person, must report the suspicion to a Mandated Notifier or Safety Contact Officer as soon as reasonably practicable. In an emergency, Employees in Prescribed Positions must report to the appropriate Reporting Agency.

### *All Employees*

- Comply with Council's policy, procedures and guidelines for providing a safe environment for Children, Young People and other Vulnerable People.
- Ensure that they report any reasonable suspicion of abuse of a Child, Young Person or Vulnerable Person to the Safety Contact Officer, Mandated Notifier or their Manager.
- Provide information about Aged Rights Advocacy to an older person if there is a reasonable suspicion of abuse.

### *Contractors and Sub-Contractors*

- Any Contractor and Sub-Contractor(s) engaged by the Council who is anticipated to work with Children and Young People will be a Prescribed Organisation and required to provide a current Compliance Statement to Council prior to commencing work.
- All Contractors and Sub-Contractors engaged by the Council who are Prescribed Organisations will be required to comply with their obligations under the Safety Act and all other relevant Acts. This includes, but is not limited to, obtaining screening of their Relevant History and reporting any reasonable suspicion formed in the course of their engagement that a Child, Young Person or Vulnerable Person is, or may be, at risk.
- All Contractors and Sub-Contractors engaged by the Council who are Prescribed Organisations will have all necessary policies and procedures required under the Safety Act and will lodge all required compliance statements with the State Government.
- All Contractors and Sub-Contractors will observe and comply with this Policy and other documentation as required by Council.

## **8. Review & Evaluation**

Within twelve months of each new Council term, Council will review this policy. Following this initial review, this policy will be reviewed at least biennially by Staff with minor administrative adjustments being approved by the Chief Executive Officer.

## **9. Availability of the Policy**

Copies of this Policy will be available at Council's principal office during ordinary business hours and at Council's website [www.campbelltown.sa.gov.au](http://www.campbelltown.sa.gov.au).