

THE BAROSSA COUNCIL CHILD AND VULNERABLE PERSONS SAFE ENVIRONMENTS POLICY



1. Purpose

- 1.1. The Barossa Council ("Council") is committed to the safety and wellbeing of Children, Young People and Vulnerable People in the community.
- 1.2. This policy aims to ensure Council's services, programs and facilities are safe Environments for Children, Young People and Vulnerable Adults; and that they are protected so far as reasonably practicable from Harm. This policy also aims to ensure that all Workers are aware of their duty of care responsibilities for the protection, safety and wellbeing of Children and Vulnerable People at all times.
- 1.3. We support the rights of Children, Young People and Vulnerable People regardless of their abilities, gender or social economic or cultural background in the community and will act without hesitation to ensure a safe Environment is maintained at all times.
- 1.4. We 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, Young People and other Vulnerable People.
- 1.5. This Policy provides a framework for how Council will maintain a safe Environment within its services and facilities to ensure all Children, Young People and Vulnerable People are safe from Harm.
- 1.6. This policy complies with:
 - 1.6.1. The Child safe Environments provisions of the Children and Young People (Safety) Act 2017, Child Safety (Prohibited Persons) Act 2016 and the National Principles for Child Safe Organisations.
 - 1.6.2. The Office for Ageing (Adult Safeguarding) Act 1995 and The Office for Ageing (Adult Safeguarding) Amendment Act 2018.
 - 1.6.3. The United Nations Convention on the Rights of the Child.

2. Scope

- 2.1. The general principles of this policy are applicable to all Workers, with the provision of a safe Environment for Children and Vulnerable People being everyone's responsibility.
- 2.2. Specific principles and responsibilities identified throughout this policy, particularly in terms of Prescribed Positions and Mandatory Reporters, are applicable to; Workers providing services wholly or partly to, or who work with or in close proximity to, Vulnerable People or Children: Workers who have direct responsibility for, or direct supervision of, the provision of those services to Children and Young People, including but not limited

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to the following:

- Library
- Events
- School holiday programs, events and activities
- Barossa Regional Gallery workshops and events
- Barossa Bushgardens activities and recreational programs
- Community and Cultural programs
- Immunisation services
- Recreation centre programs and activities
- Swimming centre programs, services and events
- Youth Advisory Committees, services, events and programs
- Home Assist and Community Transport Care programs and services

3.	Policy Statement
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3.1. Principles of Care

- 3.1.1. The Child and Vulnerable Persons Safe Environments Policy will be communicated to all relevant audiences to ensure awareness and understanding of Council's commitment to ensuring a safe Environment through the induction process, Council's website, staff forums and is available on request. This will include Elected Members, Employees, Volunteers, Contractors, Consultants, parents, carers, and Children where relevant.
- 3.1.2. Council has endorsed standards when working with Children and Vulnerable People which aim to create a safe Environment for Children and Vulnerable People while they use or receive Council services and participate in Council programs or activities. These standards are set out in this Policy.
- 3.1.3. Council aims to ensure through this policy together with appropriate and relevant training, that Workers are aware of their duty of care responsibilities and obligations for the safety and wellbeing of Children and Vulnerable People while they use or receive Council services and participate in Council programs or activities.
- 3.1.4. Council has established clear processes for Children and Vulnerable People who might be at risk of Harm. Council ensures that these processes are compliant with legislative and best practice standards, by regularly reviewing relevant policies and processes, and ensuring that they are easily accessible to both Workers and community members using or receiving Council services and participating in Council programs or activities.
- 3.1.5. Council will promote the involvement of Children and Young People in service development planning where relevant through various mechanism such as feedback forms and surveys.
- 3.1.6. Council will inform families, Children and Vulnerable People of their rights to a safe Environment and how to access the grievance procedure when necessary.



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3.2. Risk Management

- 3.2.1. Council will identify and assess reasonably predictable potential sources of Harm and take steps to decrease the likelihood that Harm will occur to Children, Young People and Vulnerable People who use our services or facilities.
- 3.2.2. Workers must ensure that any information shared with a third party is shared in accordance with Council's Privacy Policy.

3.3. Child and Vulnerable People Code of Conduct

- 3.3.1. This Code of Conduct has been drafted in accordance with section 114 of the South Australian Children and Young People (Safety) Act 2017 and this Policy.
- 3.3.2. All Workers will be required to comply with the Code of Conduct endorsed by Council, which sets out standards of conduct when providing services to Children and Vulnerable People.
- 3.3.3. This Code of Conduct does not cover every situation, however, the values, ethics and standards it sets are a reference point to help make decisions relating to situations not referred to in this Code of Conduct. It sets out the minimum standards of behaviour expected during any interaction with Vulnerable People, Children and Young People in accessing Council services.
- 3.3.4. All Workers and those accessing Council services have a role in supporting this Code of Conduct by raising their concerns with the relevant staff member. Any questions of compliance raised by Council Members, other staff or the community regarding the Code will be considered by the relevant Director or the Chief Executive Officer.
- 3.3.5. Supportive Behaviors
 - Treat Children and Vulnerable People with dignity, respect, sensitivity, fairness and equity.
 - Ensure Children and Vulnerable People are protected from any form of Harm or discrimination.
 - Ensure the Environment is safe for Children and Vulnerable People – this includes protection from harassment, violence, bullying, teasing, threatening and sexist or racist remarks.
 - Encourage Children and Vulnerable People to participate in decision making processes.
 - Give constructive feedback to Children and Vulnerable People.
 - Ensure Children and Vulnerable People are aware of their rights, including their rights to respect, fairness and safety.
- 3.3.6. Safe and Protective Work Practices
 - Staff and volunteers must be aware of potential situations and actions when working with Children or Vulnerable People that may be misinterpreted or misconstrued and adopt safe work practices. For example:
 - Where possible work in an open and visible Environment when with Children and Vulnerable People.
 - Staff and volunteers dress according to the Council's professional expectations.
 - Secure parental/guardian consent for excursions and prior to administering

medical treatment to Children and Young People under 18 years and Vulnerable People.

- Adopt a calm and non-judgmental attitude to allow Young People and Vulnerable People to feel safe to raise complaints or concerns.
- Where necessary, explain grievance procedures and avenues for Complaint in simple and clear language that is appropriate to the age of the Child or Vulnerable People.

3.3.7. Unacceptable Behaviors include but are not limited to the following:

- Any form of discrimination against a Child or Vulnerable Person based on ethnicity, culture, religion, gender, sexuality or on any other grounds.
- Hitting or physically assaulting a Child or Vulnerable Person.
- Using language that is offensive, abusive or otherwise inappropriate.
- Showing preferential treatment to one Child or Vulnerable Person over others.
- Shout, yell or speak to a Child or Vulnerable Person in an angry, intimidating or threatening manner.
- Engaging in rough physical play with Children or Vulnerable People.
- Unnecessary physical contact with Children or Vulnerable People. For example, giving a Child or Vulnerable Person a hug may be culturally inappropriate or it may be frightening or offensive to the Child, Young or Vulnerable Person.
- Condoning or participating in illegal or unsafe behaviours when working with Children or Vulnerable People.
- Making inappropriate self-disclosures relating to any participation (past or present) in illegal or unsafe behaviours. For example, past drug use should not be disclosed to or discussed with Children or Vulnerable People.
- Initiating or engaging in 'friendship' relationships with a Child or Vulnerable Person. For example, it is not acceptable in any circumstance to make arrangements to meet or socialise outside the work Environment.
- Taking Children or Vulnerable People to your home or on outings that do not fall within professional duties or that have not been authorised by parents or guardians.
- Acting in a manner that is sexually inappropriate – this includes verbal, physical and implied behaviours.
- Initiating or developing a physical/sexual 'relationship' with a Child or Vulnerable Person.
- Initiating or developing any relationship that could be deemed or perceived as exploitative or abusive with a Child or Vulnerable Person.
- Failing to report disclosures, or reasonable suspicions, of Harm or risk of Harm to the relevant Supervisor and/or the relevant authority.

3.4. Mandatory Reporters

- 3.4.1. Council identifies any Worker required to hold a Working With Children Check is also a Mandatory Reporter who has Mandatory Reporting responsibilities.
- 3.4.2. Mandatory Reporters have an obligation to report a suspicion of a Child or Young Person who is, or may be, at Risk of Harm, to the Department for Child Protection (DCP) via the Child Abuse Report Line (CARL -13 14 78); the identity of any such Mandatory Reporter is protected by the ACT.
- 3.4.3. A Mandatory Reporter should make their Supervisor aware that a report has been made, unless it is inappropriate to do so.

3.5. Responding to Harm or Risk of Harm

- 3.5.1. 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.
- 3.5.2. If life is in danger, phone 000 (triple zero) to speak with Emergency Services.
- 3.5.3. Reporting Suspicion of Children at Harm or Risk

Workers with Mandatory Reporter responsibilities must be aware of their duty to report to the Child Abuse Report Line (13 14 78) if they form a suspicion that a Child or Young Person is being Harmed or is at risk of Harm; or discuss their concern with their Supervisor; and where relevant, explain the commitment to maintaining confidentiality, including situations that would require the sharing of information, for example Mandatory Reporter responsibilities.

- 3.5.4. Reporting Suspicion of Vulnerable People at Harm or Risk

In accordance with the Office for the Ageing (Adult Safeguarding) Amendment Act 2018, a Worker may make a report to the Adult Safeguarding Unit, if they have a suspicion that a Vulnerable Adult is at risk of abuse, in accordance with the supporting Process (or the OAA Act and OA Act in the absence of the Process). Call the Adult Safeguarding Unit (ASU) on 1800 372 310 or make a report, or email to the ASU at adultsafeguardingunit@sa.gov.au.

3.6. Recruitment, Selection and Training

- 3.6.1. All reasonable steps are taken to ensure that Council engages appropriate people to work with and provide services to Children and Vulnerable People.
- 3.6.2. A position identified requiring a Working With Children Check or National Police Certificate will be added to the Prescribed Position list by the relevant Director. Accordingly, all such position descriptions will reference the Screening Checks as an essential part of the role
- 3.6.3. Applicants for Prescribed Positions will be screened for their suitability prior to commencing in the role.
- 3.6.4. 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.

3.7. Breaches of Policy and Disciplinary Action

- 3.7.1. All Workers are responsible for promoting and supporting these values and standards of behaviour.
- 3.7.2. Where a Worker is found to have acted outside of this Child Safe Code of Conduct, they will be subject to disciplinary action commensurate with the seriousness of their actions. For staff or volunteers, this disciplinary action may take the form of a warning, counselling or termination of their employment. For other categories, Council will take appropriate action relevant to that

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category.

- 3.7.3. Breaches of this Policy will be investigated on a case-by-case basis and in accordance with the Council's Staff Performance Management and any other relevant Policies.

4. Supporting Processes and Documents

- Prescribed Positions list (17/69898)
- Children and Young People at Risk Mandatory Reporting Process (CD/23/9)
- Grievance/Dispute Resolution Process (13/48375)
- Incident Reporting Process (12/42319[v3])
- Information Sharing Process for Supporting Safety and Wellbeing (15/37115)
- Performance Management Process (13/9309)
- Photo Permission and Release Form (15/52198)

5. Related Policies

- Management of Screening Checks Policy (CD/23/8)
- Employee Assistance Program Policy (14/44682)
- Human Resource Management Policy (19/5596)
- Induction Policy (19/65353)
- Knowledge Management Policy (CD/22/6)
- Privacy Policy (16/51960[v2])
- Enterprise Risk Management Policy (13/47307[v2])
- Volunteer Management Policy (19/70725)
- Volunteer Code of Conduct (17/3883)

6. Legislation and References

- 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),
- National Principles for Child Safe Organisations
- The Office for Ageing (Adult Safeguarding) Act 1995
- The Office for Ageing (Adult Safeguarding) Amendment Act 2018

7. Review

This Policy will be reviewed by the Council and Document Control Officer in consultation with the relevant stakeholders, within four (4) years or more frequently if legislation or Council's need changes. After a review, Council will lodge a new Child safe Environments compliance statement with the Department for Human Services

8. Further Information

This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.

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Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate Officer according to Council's *Customer Service Policy* (see clause 0 above for availability).

9. Document Control

Corporate Plan Link:		In line with good governance of the corporate plan			
Document Owner:	Director, Corporate Services and Business Innovation			Document Control Officer:	Manager Organisational Culture & People
Consultation Rating:	A	Audience:	External	Next Review Date:	24/01/2027
Version history					
Version No.	Date			Description of Change	
3.0	24/01/2022			Reviewed following feedback from lodgment of compliance statement with DHS	
2.0	21/06/2022			Reviewed to meet the DHS Child Safe Environment standards and Legislation	
1.0	16/07/2019			Inaugural Safety of Children and Vulnerable Adults Policy	

10. Definitions

Employee	All full-time, part-time and casual employees of The Barossa Council including trainees, apprentices, and on-hire employees.
Supervisor	Any direct line supervisor, including Chief Executive Officer, Director, Team Manager, Line Manager, Coordinator, Supervisor or Leading Worker who are responsible for Worker(s) reporting to them.
Worker	A person is a worker if the person carries out work in any capacity for Council, including work as: (a) an employee; or (b) a contractor or subcontractor; or (c) an employee of a contractor or subcontractor; or (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or (e) an outworker; or (f) an apprentice or trainee; or (g) a student gaining work experience; or (h) a volunteer; or (i) a person of a prescribed class.
Council	The Barossa Council

Child/Children or Young People	Means a person under the age of 18.
Vulnerable Adult/People	An adult person who, by reason of age, ill health, disability, social isolation, dependence on others or other disadvantage, is vulnerable to harm or risk to harm.
Harm	Section 17 of the Safety Act defines 'harm' to mean physical or psychological harm (whether caused by an act or omission), including harm caused by sexual, physical, mental or emotional abuse or neglect.
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 educational/vocational training or elected members.
Screening Checks	Screening checks help to ensure that people with a known history of violent or abusive behaviour do not work with children and other vulnerable people in their job or as a volunteer. Sometimes screening is required by law, but in other cases an employer or organisation may decide it's necessary
Environment	The circumstances, objects, or conditions by which one is surrounded.
Complainant	Person who makes a complaint
National Police Certificate (Police record checks are also called National Police Certificates (NPC's).	a summary of an individual's offender history in Australia and a record of their criminal history relating to convictions, finding of guilt or pending court proceedings. They are available from South Australia Police (SAPOL) or organisations accredited by the Australian Criminal Intelligence Commission.
Working With Children Check	People working or volunteering with children in South Australia must, by law, have a valid, not prohibited 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.
Mandatory Reporter	A person who comes within one of the categories set out in Section 30 (3) of the Child and Young Person (Safety) Act 2017 (Mandated Notifier), and so has an obligation to report a suspicion of a type described in Section 31 of the Act

At Risk of Harm	A CYP will be taken to be at risk if: a) They have suffered Harm; or b) There is a likelihood that they will suffer Harm; or c) There is a likelihood that they will be removed from the State for the purpose of: - a medical or other procedure that would be unlawful in the State - taking part in a marriage ceremony that would be void or invalid in Australia - enabling the child to take part in activity or action that would otherwise be illegal in the State or in Australia; or d) The parent/carer: are unable or unwilling to care for them, have abandoned them, or are dead; or e) They are of compulsory school age but have been persistently absent from school without satisfactory explanation; or f) They have no fixed address; or g) Any other circumstances prescribed by the regulations exist. 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. "Psychological harm" does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life.
Reasonable Suspicion	A suspicion is a state of mind. It is different from knowledge or belief. It requires more than a guess but does not need to be sufficient to form a belief as to the existence of an event or circumstance. There does not need to be proof that a CYP is, or may be, at risk. However, there needs to be a factual basis for the suspicion.
Department for Human Services (DHS) Screening Unit	A central assessment Unit which provides a centralised, consistent and confidential approach to the screening and independent assessment of background information of people working with children or vulnerable adults. Refer to https://www.screening.sa.gov.au
Director	Director of a Council Directorate – Director Corporate and Community Services, Director Works and Engineering Services, Director Development and Environmental Services or successor positions.