



Children and Vulnerable Persons Policy

Reference Number:	4.11
Type:	Council Policy
Category:	Staff and Organisational Development
Relevant Community Plan Outcome:	<ul style="list-style-type: none"> • A local organisation providing progressive leadership, accountable governance and quality services to the community • Educate and regulate to enable a safe and healthy environment.
Responsible Officer(s):	Manager People and Culture
First Issued/Approved:	June 2009
Minutes Reference:	CoS 4/02/2019, Item 3.7
Last Reviewed:	February 2019
Next Review Due:	February 2021
Applicable Legislation:	<p>Aged Care Act – 1997 (Cth) Child and Young People (Safety) Act 2017 Children's Protection (Mandatory Reporting and Reciprocal Arrangements) Amendment Act 2000 (SA) Child Sex Offenders Registration Act 2006 (SA) Child Safety (Prohibited Persons) Act 2016 (Passed but not yet commenced) Disability Discrimination Act 1992 (Cth) Disability Services Act 1993 (SA) Disability Services (Assessment of Relevant History) Regulations 2014 Family Law Amendment (Child Protection Convention) Act 2002 Equal Opportunity Act 1984 (SA) Freedom of Information Act 1991 (SA) Human Rights and Equal Opportunity Commission Act (Cth) Racial Discrimination Act 1975 (Cth) Sex Discrimination Act 1992 (Cth) WHS Act 2012 Workplace Relations Act 1996 (Cth)</p>
Related Policies:	<p>Crime Prevention Through Environmental Design Policy Library Policy Recruitment and Selection Policy Risk Management Policy Social Inclusion Policy Staff Code of Conduct Policy Staff Performance Management Policy Volunteer Policy Youth Policy</p>
Related Procedures:	<p>Children and Vulnerable Persons Procedure Volunteer Code of Conduct</p>

1. Purpose

City of Charles Sturt is committed to the delivery of safe practices relating to children and vulnerable persons, thus ensuring that the safety and wellbeing of the child or vulnerable person is paramount in any decisions regarding his or her environment and life context. We take responsibility to provide and promote safe and nurturing environments to children and vulnerable persons.

This policy complies with our obligations under the:

- Child and Young People (Safety) Act 2017, including Chapter 8 112A and 113 - Child Safe Environments and criminal history assessments for people working with children and Chapter 5 Part 1, 30 and 31 – Mandatory reporting;
- Disability Services Act 1993 and Disability Services (Assessment of Relevant History) Regulations 2014; and
- Aged Care Act 1997.

2. **Scope**

The policy is intended to apply to all positions within the organisation, inclusive of Council members.

Children and vulnerable persons potentially include:

- Children (under the age of 18 years of age); or
- People with a disability (physical, intellectual or a mental illness); or
- The frail aged; or
- People living in poverty and/or with a history of an experience of disadvantage (eg., Indigenous Australians and refugees); or
- Any other persons who may at risk of exploitation due to their dependency on others.

The policy aims to ensure that all relevant Council managers, staff, students on placement or work experience, volunteers, contractors and consultants are aware of the legislative requirements and their duty of care to provide for the protection, safety and wellbeing of children and vulnerable persons at all times.

3. **Policy Statement**

Council is committed to the safety and wellbeing of children and other vulnerable people who access our services. We support the rights of children and vulnerable persons in our community and will act without hesitation to ensure a safe environment is maintained at all times. The primary consideration in planning any activity for children and other vulnerable people will be the overriding importance of ensuring that it contributes to their wellbeing and does not expose them to harm, including the risk of injury, sexual, physical, emotional or financial abuse. We also support the rights of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all children and other vulnerable people.

4. Roles and Responsibilities

- 4.1 **Council** is responsible under Chapter 8 114 and 115 of the Child and Young People (Safety) Act 2017 for ensuring that appropriate policies and procedures are developed for ensuring that the Child safe environments are established and maintained, and that appropriate reports of abuse and neglect are made by mandated notifiers.
- 4.2 **Chief Executive** is accountable to the Council and has specific responsibilities under Chapter 8 114 of the Act, which includes (but is not limited to) development of codes and principles of conduct, development of procedures, ensuring the dissemination of information about child abuse and neglect, and monitoring the application of this within Council.
- 4.3 **Managers and Supervisors** (paid and voluntary) in relevant areas are accountable to the Chief Executive as follows:
- Providing an environment where children and vulnerable people are safe and protected from abuse
 - Increasing awareness and building staff and volunteer knowledge within our organisation in relation to the protection of children and vulnerable people.
 - Recruitment and selection in accordance with Council's organisational development policies and procedures and requirements for criminal history screening of existing employees and preferred applicants for prescribed positions.
 - Effective implementation of the policy, procedures and safe work place practices.
 - Being aware and promoting acceptable behaviour when dealing with children and other vulnerable people.
 - Providing appropriate induction and on-going training to Council staff, volunteers, elected members, contractors and consultants and all those involved in the delivery of services and programs in relation to their duty of care to children and vulnerable people.
 - Establishing and maintaining supportive and responsive procedures for fulfilling mandatory notification requirements, dealing with complaints and issues effectively as they arise and ensuring mandated notifiers understand their legal responsibilities.
 - Developing, monitoring, evaluating and reviewing risk management strategies to minimise harm to children and other vulnerable people.
 - Reporting any reasonable suspicion of abuse of a child to the Child Abuse Report Line.
 - Supporting staff and responding to enquiries regarding suspicions of abuse or related issues, maintaining appropriate records and ensuring records are securely stored.
 - Maintaining confidentiality and fully cooperating with the Department of Families and Communities, the South Australian Police and other relevant government agencies in their investigations of suspected abuse of a child or other vulnerable person.
 - Report annually to the Chief Executive Officer on implementation, monitoring and review the Policy and relevant services, programs, and workplace practices.

4.4 Mandated Notifiers have obligations under the Child and Young Person (Safety) Act 2017 to notify the SA Department of Families and Communities if they suspect, on reasonable grounds, that a child has been or is being abused or neglected and the suspicion is formed in the course of their work (paid or voluntary) in carrying out official duties.

Note: Whilst the obligation to report suspicions of abuse rests with mandated officers, they are encouraged to seek advice and support from their supervisor and manager, or Safe Environment Contact Officer in relation to suspicions of child abuse or neglect. This practice will ensure staff and volunteers are appropriately supported, records are kept confidentially and securely, and any organisation responsibilities in addition to the mandatory reporting obligation are pursued where relevant.

4.5 Other Council Staff, volunteers, contractors and consultants (non-mandated notifiers)

All Council staff and volunteers, contractors and consultants providing services on behalf of Council have a role to play in providing a safe environment for children and other vulnerable people, and for complying with the policy.

Ongoing employment and volunteering in relevant positions will be subject to the incumbent maintaining a satisfactory DCSI Employment Screening notification. Failure to do so may result in the termination of the employment or volunteering relationship.

Council strongly encourages and will sensitively support any staff member, volunteer, contractor or consultant who, though not a “mandated notifier” as defined by the Child and Young People (Safety) Act 2017, suspects incidents of abuse or neglect of a child or other vulnerable person.

Failure to notify can result in a financial penalty (maximum penalty \$10,000) as it is an offence under the Child and Young People (Safety) Act 2017 not to notify.

In addition, it is viewed by Relationships Australia (SA) as a breach of policy (Child Safe & Serious Client Matters Policies) and the Agency and programs’ Code of Conduct to fail to notify, and therefore may result in disciplinary action.

In these cases, incidents of abuse of a child or other vulnerable persons are to be reported to the Child Safe Responsible Officer 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.

5.5 Safe Environment Contact Officer will be responsible under the Act for:

- The provision of support, guidance and advice pertinent to Child safe matters
- The provision of support, guidance and advice to the mandatory reporting procedures.
- Be a resource for staff and provide information to assist to determine if the incident is reportable and provide information regarding the process involved to report a reasonable suspicion of child abuse.
- Provide debrief support after incident/ reporting has occurred.

5. Definitions

Key Term – Acronym	Definition
Child	A young person under 18 years of age.
Mandatory Notification	The requirement for a person to report to Families SA via the Child Abuse Report Line if they suspect on reasonable grounds that a child/young person has been or is being, abused and/or neglected and the suspicion is formed in the course of the person's work (whether paid or voluntary) or in carrying out official duties.
Mandated Notifier	<p>A person who is responsible for reporting any suspicion of Child Abuse on reasonable grounds</p> <p>Any other person who is an employee of, or volunteer in, local government that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children, being a person who:</p> <p>(i) is engaged in the actual delivery of those services to children; or</p> <p>(ii) holds a management position in the relevant organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children.</p>
Prescribed Position (child-related)	<p>According to the Child and Young People (Safety) Act 2017, a position where an employee, volunteer or contractor:</p> <ul style="list-style-type: none"> • has regular contact with children and is not directly supervised at all times; or • works in close proximity to children on a regular basis and is not directly supervised at all times; or • supervises or manages people in above positions; or • 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 • Is deemed a Mandatory Notifier – has mandatory obligations for reporting to Child Abuse Reporting Line (CARL)
Prescribed Position (disability -related)	<p>According to the Disability Services Act 1993, a position where an employee, volunteer or contractor:</p> <ul style="list-style-type: none"> • has regular contact with people with a disability or working in close proximity to people with a disability on a regular basis, unless the contact or work is directly supervised at all times; or • supervises or manages people in positions requiring or involving regular contact with people with a disability or working in close proximity to people with a disability on a regular basis; • has access to records of a kind prescribed by regulation relating to people with a disability; • provides care to a person with disability overnight, and involving sleeping arrangements, regardless of whether that care is short-term or ongoing

Vulnerable Persons	Refers to people who may be at risk of exploitation due to their dependency on others. The definition is broad and in addition to children may include frail, aged people with disabilities, people from culturally and linguistically diverse backgrounds and people who experience social isolation.
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