



## Children & Vulnerable Persons Policy

<b>Reference Number:</b>	4.11
<b>Type:</b>	Council Policy
<b>Category:</b>	People & Culture
<b>Relevant Community Plan Outcome:</b>	<ul style="list-style-type: none"><li>• Charles Sturt is a place where people feel safe in their homes, neighbourhoods and public places; they are resilient and manage shocks and stresses to build a stronger community</li><li>• Our values, leadership and collaborative approach are bold and courageous and enables us to deliver value for our Community and create a leading liveable City</li></ul>
<b>Responsible Officer(s):</b>	Manager People and Culture
<b>First Issued/Approved:</b>	June 2009
<b>Minutes Reference:</b>	CoS 6/11/2023, Item 4.51
<b>Last Reviewed:</b>	November 2023
<b>Next Review Due:</b>	November 2025
<b>Applicable Legislation</b>	Aged Care Act 1997 (Cth) Children and Young People (Safety) Act 2017 Child Safety (Prohibited Persons) Act 2016 Child Sex Offenders Registration Act 2006 (SA) 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 1986 (Cth)

<b>Applicable Legislation cont.</b>	Privacy Act 1988 (Cth) Racial Discrimination Act 1975 (Cth) Sex Discrimination Act 1984 (Cth) Work Health and Safety Act 2012 (SA) Workplace Relations Act 1996 (Cth) Education and Children's Services Act 2019 - Information Sharing Guidelines for promoting safety and wellbeing
<b>Related Policies:</b>	Recruitment, Attraction and Selection Policy Risk Management Policy Social Inclusion Policy Employee Code of Conduct Policy Staff Performance Management Policy Volunteer Policy Volunteer Code of Conduct Policy Workplace Surveillance Policy Youth Policy Public Consultation Policy
<b>Related Procedures:</b>	Children and Vulnerable Persons Procedure

## 1. Purpose

City of Charles Sturt (Council) is committed to the delivery of safe practices relating to children and vulnerable persons. We provide and promote safe and nurturing environments to children and vulnerable persons. This Policy, together with our suite of policies and procedures, aims to ensure that all relevant Council employees, work placement individuals, volunteers, agency staff and consultants/contractors undertaking work on behalf of Council, are aware of the legislative requirements and their duty of care to provide for the protection, safety and wellbeing of children and vulnerable persons. The legislation requires Council to put in place appropriate policies and procedures to ensure that instances of harm and risk of harm are reported and that safe environments for children and vulnerable persons are established and maintained. The City of Charles Sturt's policies, procedures and position descriptions ensure our people are aware and accountable for their responsibilities, hold the relevant employment screenings and receive the required training and development in relation to working with children and vulnerable persons.

The City of Charles Sturt's Youth Participation Officer is responsible for encouraging and facilitating young people's participation and engagement in community life generally and in Council's decision-making processes. The role also facilitates opportunities for the City of Charles Sturt community to recognise, value, support and encourage young people's active contribution to all aspects of community life as well as plans and delivers initiatives which increase young people's active participation in their community and development of leadership and active citizenship skills, including initiatives which recognise and celebrate young people.

## 2. Scope

All Council employees, work placement individuals, volunteers, agency staff and consultants/contractors undertaking work on behalf of the City of Charles Sturt share responsibility for protecting everyone from abuse, neglect or exploitation. Beyond this, particular people have specific responsibilities, and they must carry out their duties without exception as defined in the roles and responsibilities section.

## 3. Policy Statement

Council believes that every child and vulnerable person has a right to be safe from harm and:

- takes a preventative, proactive and participatory stance on children and vulnerable persons protection issues;
- listens to and consults with children and vulnerable persons;
- values and embraces the opinions and views of children and vulnerable persons;
- encourages and assists children and vulnerable persons to build skills that will assist them to participate in society, and achieve their full potential, and
- takes action to protect children and vulnerable persons from physical, sexual, psychological, or financial harm and risk of harm.

Council is committed to the safety and wellbeing of children and vulnerable persons 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 always maintained.

The primary consideration in planning any activity for children and any other vulnerable persons will be the overriding importance of ensuring that it contributes to their wellbeing and does not expose them to harm, including the risk of physical, sexual, psychological, or financial harm and risk of harm.

We also support the rights of our employees, work placement individuals, volunteers and agency staff and encourage their active participation in building and maintaining a secure environment for all children and other vulnerable persons. This includes supporting them to report when they suspect incidents of harm and risk of harm of a child or other vulnerable person.

Children and vulnerable persons include:

- Children (under the age of 18 years) or
- People who may be at risk of exploitation due to their dependency on others.

### 3.1 Recruitment Practices

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 other vulnerable persons. Council works to ensure that the legislative obligations of the *Child Safety (Prohibited Persons) Act 2016* are met

including that Working with Children Checks are undertaken through the Screening Unit of the Department of Human Services.

Our recruitment and selection process include various steps for prescribed positions, including, but not limited to, interviews, qualification verification, referee reports with specific questions about the applicant's previous experience and suitability to work with children or vulnerable persons, and other relevant employment screening.

Other non-prescribed roles may also require employment screening to be undertaken, where identified as necessary by Council. The *Children and Vulnerable Persons Procedure* provides further details.

### **3.2 Contract Management**

The Strategic Procurement Services Team will manage requirements for support in the process of tendering and contracting consultants and contractors where required.

### **3.3 Feedback and Complaints**

The City of Charles Sturt website has a [Requests, Compliments, Complaints page](#) which provides the public with an online provision to lodge a complaint regarding our services with the City of Charles Sturt which is reviewed and responded to.

The City of Charles Sturt also has Customer Comments Forms and a Suggestion Box located at each of the libraries within the City. The form enables those visiting one of the libraries to make suggestions on improving our services, or document a matter which requires further action as well as the option of providing their contact details enabling us to contact the person directly to respond to their enquiry, suggestion or issue.

Visitors to our libraries can also contact us via [library@charlessturt.sa.gov.au](mailto:library@charlessturt.sa.gov.au).

### **2.4 Supervision, training and support for employees and volunteers**

Council will take all reasonable steps to ensure that appropriate supervision, training and support is in place for all employees and volunteers, that are required to work with, and support children and other vulnerable persons. Refer to the *Children and Vulnerable Persons Procedure* for additional information. This training includes how to recognise, report and respond to suspected harm and risk of harm.

### **2.5 Reporting of suspicion that a child or vulnerable person may be at risk**

Employees that provide services directly to, or supervise employees that provide services to children have obligations under the *Children and Young People (Safety) Act 2017 (Chapter 5)* to notify the Child Abuse Report Line (CARL) 131 478 if they suspect, on reasonable grounds, that a child is, or may be at risk of harm and the suspicion is formed in the course of their employment (paid or voluntary).

If employees or volunteers suspect, on reasonable grounds, that a child or vulnerable person is or may be at imminent risk of harm, they are to notify the South Australian Police (SAPOL) on 000.

Council is committed to ensuring that employees are aware of their obligations, in relation to recognising, reporting and responding to suspected harm and risk of harm. This extends to obligations under the Information Sharing Guidelines for promoting safety and wellbeing. In the event that it is alleged any employees, students on placement or work experience, volunteers, and agency staff are perpetrators of harm and/or risk of harm in the workplace, towards a child or vulnerable person, the allegations shall be investigated under the process outlined in the Staff Performance Management Policy.

## 2.6 Child Safe Representatives

The Child Safe Representatives will be responsible for:

- The provision of support, guidance and advice pertinent to child and vulnerable persons safety matters;
- The provision of support, guidance and advice on the reporting procedures;
- Facilitate debrief support after an incident / reporting has occurred;
- The role of Child Safe Representative sits with both the Manager Community Connections and Manager People & Culture positions at the City of Charles Sturt.

## 2.7 Roles and Responsibilities

- 2.7.1 Council** is responsible under *the Child and Young People (Safety) Act 2017 (Chapter 8, 114 and 115)* 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 harm and risk of harm are made by mandated notifiers working in prescribed positions.
- 2.7.2 CEO** is accountable to the Council and has specific responsibilities under the *Child and Young People (Safety) Act 2017 (Chapter 8, 114)*, which includes (but is not limited to) development of codes and principles of conduct, development of procedures, ensuring the dissemination of information about child harm and risk of harm, and monitoring the application of this within Council.
- 2.7.3 Leaders (paid and voluntary)** are accountable for providing an environment where children and vulnerable persons are safe and protected from harm by adhering to this policy and the *Children and Vulnerable Persons Procedure*.
- 2.7.4 Council employees, volunteers and agency staff** who provide services on behalf of Council have a role to play in providing a safe environment for children and vulnerable persons, where they are protected from harm and risk of harm and for complying with this policy and the *Children and Vulnerable Persons Procedure*.

**2.7.5 Mandated notifiers (someone who works in a prescribed position)** have obligations under the *Child and Young People (Safety) Act 2017* to notify the Department for Child Protection via the Child Abuse Report Line (CARL) on 131 478 if they suspect, on reasonable grounds, that a child has been or is being harmed or at risk of harm and the suspicion is formed in the course of their work (paid or voluntary) in carrying out official Council duties.

**Note:** Whilst the obligation to report suspicions of harm and risk of harm rests with mandated notifiers, they are also encouraged to seek advice and support from their Leader, or a Child Safe Representative, in relation to suspicions of child harm and risk of harm. This practice will ensure staff and volunteers are appropriately supported, records are kept confidentially and securely, and any organisational responsibilities in addition to the mandatory reporting obligation are pursued where relevant.

#### 4. Definitions

Key Term – Acronym	Definition
At Risk	Refer to Section 18 of the Children and Young People (Safety) Act 2016 for the definition of Children and young people at risk.
Child	A young person under 18 years of age.
Child Safe Representatives	Designated employee(s) who provide support, guidance and advice pertinent to child and vulnerable person safety matters.  This role is held by the following positions: <ul style="list-style-type: none"> <li>• Manager Community Connections</li> <li>• Manager People &amp; Culture</li> </ul>
Employment Screening	Refers to the type of formal background check. Any clearance required by a CCS or potential CCS employee to work in a prescribed position. This may include but is not limited to: National Police Clearances; Working with Children Checks; Aged or Disability Screening Checks.
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.
Leader	All Council employees that have employees, volunteers, work placement individuals or agency staff reporting directly to them.
Mandatory Notification	The requirement for a person to report to the Department for Child Protection via the Child Abuse Report Line (CARL) if they suspect on reasonable grounds that a child/young person has been or is being harmed or at risk of harm, 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 harm or risk of harm 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, childcare 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 <i>Children and Young People (Safety) Act 2017</i>, a position where an employee, volunteer or contractor:</p> <ul style="list-style-type: none"> <li>• has regular contact with children and is not directly supervised at all times; or</li> <li>• works in close proximity to children on a regular basis and is not directly supervised at all times; or</li> <li>• supervises or manages people in above positions; or</li> <li>• 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.</li> <li>• Functions of a type prescribed by regulation.</li> <li>• Is deemed a Mandatory Notifier – has mandatory obligations for reporting to Child Abuse Reporting Line (CARL).</li> </ul>
Prescribed Position (disability-related)	<p>According to the <i>Disability Services Act 1993</i>, a position where an employee, volunteer or contractor:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• 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;</li> <li>• has access to records of a kind prescribed by regulation relating to people with a disability;</li> </ul>

	<ul style="list-style-type: none"> <li>provides care to a person with disability overnight, and involving sleeping arrangements, regardless of whether that care is short-term or ongoing</li> </ul>
Reasonable grounds	<p>Reasonable grounds to form a suspicion that a child or young person may be at risk may include:</p> <ul style="list-style-type: none"> <li>when a child or young person tells you they are at risk or have been harmed</li> <li>when your own observations of a particular child or young person's behaviour and/or injuries lead you to suspect they are at risk, or harm is occurring</li> <li>when a child or young person tells you that they know of someone who is at risk or has been harmed (they may possibly be referring to themselves)</li> <li>when you hear about risk or harm to a child or young person from someone who is in a position to provide reliable information, perhaps a relative or friend, neighbour or sibling of the child or young person.</li> </ul>
Vulnerable Persons	<p>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.</p>