



Children and Vulnerable Persons Policy

<i>Responsible Officer/s</i>	Department of Commercial and Community Services Director of Commercial and Community Services Human Resources Officer
<i>Relevant Legislation / Documents</i>	The following Acts, Regulations, Principles and Guidelines provide the legislative framework for this policy: Commonwealth Legislation Aged Care Act 1997 Disability Discrimination Act 1992 Disability Services Act 1993 Sex Discrimination Act 1984 Commonwealth Aged Care Accountabilities Principles 1998 National Principles for Child Safe Organisations 2019 Commonwealth Child Safe Framework 2019 South Australian Legislation Local Government Act 1999 Children and Young People (Safety) Act 2017 Child Safety (Prohibited Persons) Act 2016 Child and Young People (Safety) Regulations 2017 Child Safety (Prohibited Persons) Regulations 2019 Child Safe Environments – Principles of Good Practice Related Governance Documents Code of Conduct for Council Employees Code of Conduct for Elected Members Council Policy – Volunteer Policy Council Procedure – National Police Check Inductions – Employee, Council and Volunteers WHS Inductions and Training Procedure Staff Performance Management Procedure
<i>Adopted</i>	April 2021 Council Meeting
<i>Reviewed</i>	March 2021
<i>Next Review</i>	March 2024 – Every 3 years

A. Purpose

The District Council of Loxton Waikerie (Council) is committed to promoting and protecting the safety and wellbeing of all children and vulnerable people, we recognise the importance of establishing and maintaining a safe environment where children and vulnerable people are valued.

Council is committed to safety and wellbeing of children, young people and vulnerable people who access our services. We support their rights in the community and will act without hesitation to ensure a safe environment is maintained at all times. 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 and vulnerable people.

B. Objective

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 abuse and neglect.

C. Policy

This policy aims to ensure that all relevant Council sites and all persons working within the Council including elected members, managers, employees, volunteers, contractors and consultants are aware of their duty of care responsibilities for the protection, safety and wellbeing of children and vulnerable persons at all times.

1. ***Safeguarding culture***

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

2. ***Empowerment and participation***

Council encourages and respects the views of children and vulnerable people who access our services. WE involve children and young people in decision making and listen and act upon any feedback or complaints that children, vulnerable people and/or their families/carers raise with us.

Council ensures that children and vulnerable people and their families/carers know their rights; how to access services, and /or advice; and the complaints processes available to them.

3. ***Recruitment practices***

We will seek to ensure that the most suitable and appropriate people work with children and vulnerable people through vigorous screening processes to safeguard children and vulnerable people. Details of the obligations, responsibilities and processes are set out in the National Police Check Procedure.

4. ***Identify, report and respond to suspicion that a child or vulnerable person may be at risk***

Council will support 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 of the Children and Young People (Safety) Act 2017 (SA).

Council ensures that all workers:

- Are able to identify, report and respond to children 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 at risk.

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 organisation obligations for child safety and protection. When working with children they will be directed to the following relevant information resources:

- South Australian Mandatory Reporting Guide (www.childprotection.sa.gov.au)
- Department for Child Protection Website (www.childprotection.sa.gov.au)
- Department of Human Services – Child Safe Environments – Principles of Good Practice (<https://dhs.sa.gov.au>)

Support may be required for the child or vulnerable person when a notification is made, and we will assist to identify appropriate services for the child, vulnerable person and/or their family.

Failure by mandated workers to report a reasonable suspicion that a child has or is being abused or neglected is in breach of Council's Children and Vulnerable Persons Policy and may result in disciplinary action being initiated against the worker by the Council.

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.

Workers who suspect that a vulnerable adult is at risk of or is being abused can call:

- SA Abuse Prevention Phone on 1800 372 310 or report to the Adult Safeguarding Unit website <https://sahealth.sa.gov.au>

Council ensures that support is available to employees via the Employee Assistance Program (EAP)

5. *Strategies to minimise risk*

Council will seek to identify and assess all potential and actual sources of harm and take reasonable steps to minimise the risk to children and vulnerable persons who access our services. Risk assessment tools will be used to determine if a child or vulnerable person is at risk. Strategies to minimise risks to children and vulnerable people occur as part of our ongoing risk management process. A risk assessment tool is available to assist with the assessment of risk.

The implementation of the following policy and procedure documents will assist in managing risk:

- Code of Conduct
- National Police Check Procedure
- Volunteer Policy
- Council Risk Management Policy and Procedure
- Records Management Policy

6. Training

Staff who work with children and vulnerable people are provided with supervision, support and training to ensure they can maintain a safe environment and are able to identify and respond to suspicions of abuse or neglect.

Staff who are mandated notifiers receive appropriate and regular training session and updates on their mandatory reporting obligations.

7. Communication and respect

Council respects and values the views of children and vulnerable people that access our services. We listen and act upon concerns that children and vulnerable people or their families raise with us.

We work to ensure children and vulnerable people know their rights and how to access information or need to access.

This policy is publicly available on the District Council of Loxton Waikerie website at all times and children and vulnerable people receiving or accessing services provided by council will be advised of their rights.

8. Collaboration and information sharing

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

9. Privacy of children and vulnerable people

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

The release of images of a child or vulnerable person to the public has the potential to adversely impact their safety and wellbeing. As such, Council will obtain permission from a child or vulnerable person where possible, and their parent/guardian before taking a picture of the child.

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.

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

10. Respect

Family structures and customs can 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 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.

D. Definitions

Child Abuse Report Line (DCARL), phone 131478, or online electronic notifications through e-CARL at <https://www.childprotections.sa.gov.au>

Adult Safeguarding Unit – is a unit located in the Office for Ageing Well and has a strong focus on safeguarding the rights of adults at risk of abuse

Children – persons under the age of 18 years

Mandated notifier – a person who comes within one of the categories set out in Section 30 (3) of the Child and Young Person (Safety) Act 2017, and therefore has a legal obligation to report a suspicion of a type described in Section 31 of the Act.

Meaning of at risk – for the purpose of the Policy the definition of *at risk* is adopted for 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)

Meaning of harm – for the purpose of the Policy the definition of harm is adopted for the Children and Young People (Safety) Act 2017 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 abuse, neglect or exploitation.

Reasonable grounds to suspect – where a person has information that leads them to believe that abuse, neglect or exploitation is or has taken place or may take place. Information on :Reasonable grounds to suspect: can be found on the SA Adult Safeguarding Unit website: <https://www.sahealth.sa.gov.au>, the SA Department of Child Protection website <https://www.childprotection.sa.gov.au/>

Staff/Employee – paid employees of the District Council of Loxton Waikerie

Vulnerable People – those aged 18 years of age or over, who may be in need of serviced 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.

Worker – as defined in the WHS Act (SA) 2012 a worker includes employees, volunteers, contractors, subcontractors, employees of contractors or subcontractors, labour hire, outworkers, apprentices, trainees and work experience students.

E. Responsibilities

While the responsibility to protect people is shared by all, some individuals have specific obligations with which they must comply.

Council

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

Chief Executive Officer

- Ensure the Policy is implemented, monitored, reported on and evaluated
- Is responsible for ensuring staff 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 staff and volunteers who are mandated notifiers are aware of their obligations as mandated notifiers and have appropriate skills and knowledge to identify children or vulnerable people at risk
- 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 issued prior to commencement at Council.
- Ensure the requirements set out in the Employee National Police check procedure are met and adhered to
- Ensure staff apply risk assessment processes as required and that are supported to make reports
- Establish and maintain supportive procedures for fulfilling mandatory notification requirements and ensure all workers understand their legal responsibilities
- Report any reasonable suspicion that a child or young person is at risk of harm online at the child protection reporting system or by ringing CARL

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 to the CARL or the online child protection reporting system
 - 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

Human Resources

- 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

F. Availability

This Policy will be available for inspection at the Council Office at Loxton or at the branch office in Waikerie during ordinary business hours at no charge.

Copies of this Policy will also be available from Councils website: www.lwdc.sa.gov.au or postal copies may be obtained from the Council Office free of charge.

G. Document history and version control

Date	Version	Authorisation	Amendment Details
April 2021	1		New policy replacing Child Safe Environment Policy. The April 2021 Council Meeting accepted the new policy and revoked the Child Safe Environments Policy.