



# COUNCIL POLICY

## Safe Environment

*Agriculturally rich - Naturally beautiful*

<b>Policy Number:</b>	PO021		
<b>Strategic Plan Objective</b>	Meet all legislative and compliance responsibilities		
<b>Policy Owner:</b>	Chief Executive Officer	<b>Record Number:</b>	16/13902[v2]
<b>Responsible Officer:</b>	Governance Officer	<b>Minute Reference:</b>	199/2023
<b>Date Adopted:</b>	13/09/2023	<b>Next Review Date:</b>	September 2027

### 1. POLICY OBJECTIVES

The Yorke Peninsula Council (Council) is committed to ensuring the safety and wellbeing of Children, Young People and Vulnerable People who access its facilities, services and activities.

This policy aims to ensure:

- Council facilities, services and activities are safe environments for Children, Young People and Vulnerable People, where they are safe from Harm or Risk of Harm, respected, valued and encouraged to reach their full potential;
- Workers who engage with Children, Young People and/or Vulnerable People undertake appropriate Worker Screening and training;
- Elected Members and Workers are aware of their Duty of Care responsibilities for the protection, safety and wellbeing of Children, Young People and Vulnerable People at all times.

### 2. SCOPE

All Council Elected Members and Workers have a Duty of Care for the protection, safety and wellbeing of Children, Young People and Vulnerable People who access Council facilities, services and activities and must comply with the requirements of this policy. A schedule of roles and responsibilities is included as Attachment 2.

### 3. DEFINITIONS

Definitions are provided in Attachment 1.

### 4. POLICY STATEMENT

Children, Young People and Vulnerable People have a right to be safe and protected at all times, including when accessing services in the community. Council has a legislative obligation and Duty of Care to ensure safe environments for Children, Young People and Vulnerable People are established and maintained in respect of the services and activities provided or undertaken by Council.

Council is committed to:

- Promoting the safety, wellbeing and participation of Children, Young People and Vulnerable People;
- Supporting the rights of Children, Young People and other Vulnerable People;
- Ensuring a safe environment is maintained at all times;
- Supporting the rights and wellbeing of Workers; and

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- Encourage Workers active participation in building and maintaining a safe environment for Children, Young People and Vulnerable People.

### Risk Management

Council identify and mitigate risks to Children, Young People and Vulnerable People who access its facilities, services and activities in accordance with its Risk Management Policy PO091. Risk management strategies are customised to the activities or services provided in consideration of the Children, Young People and/or Vulnerable People involved. A list of risk management considerations in relation to programs, premises and participants is provided as Attachment 5.

### Code of Conduct

All Workers are required to comply with the Code of Conduct for Providing Services to Children, Young People and Vulnerable People (Code) attaching to and forming part of this policy, Attachment 3.

### Worker Screening

Council will take all reasonable steps to ensure it engages the most suitable and appropriate people to work with, and provide services to, Children, Young People and Vulnerable People.

Worker Screening must be undertaken for people occupying or acting in a Prescribed Position, before a person is appointed to a Prescribed Position and/or at any time as Council deems necessary in accordance with the Department for Human Services (DHS) Screening Unit. Subsequent Worker Screening will be undertaken every five (5) years.

Worker Screenings will be verified through the Organisation Portal via the DHS Screening Unit.

### Involvement in Decision Making

Council will promote the involvement of Children, Young People and Vulnerable People in service development planning where relevant, inform them of their rights and how to access grievance procedures where relevant. Council will promptly act upon any feedback or complaints raised by Children, Young People, Vulnerable People and/or their families/carers.

### Responding to Harm or Risk of Harm

Council has a legislative obligation to ensure that Workers are aware of, trained, and appropriately supported to report any suspicion of Harm or Risk of Harm to Children, Young People and Vulnerable People on reasonable grounds.

Mandated Notifiers must report any suspicion of Harm or Risk of Harm to the Child Abuse Report Line, telephone 24 hours a day, 7 days a week on 13 14 78 or online at [www.reportchildabuse.families.sa.gov.au](http://www.reportchildabuse.families.sa.gov.au). If the Child, Young Person or Vulnerable Person is at immediate risk, Mandated Notifiers must report to SAPOL (000). The Child Abuse Report Line or SAPOL will advise whether an internal investigation is appropriate. Workers who are classified as Mandated Notifiers are set out in Attachment 4.

Council will also support non-Mandated Notifiers in reporting a suspicion of Harm. All adults working in Council have a legal obligation to report Child sexual abuse to the police and to protect a child from sexual abuse. Failure to report/protect is a serious crime.

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Council will support Children, Young People, Vulnerable People, families and carers when Harm has occurred by referring the Child, Young Person, Vulnerable Person or their family/carers to appropriate services.

Advice and Assistance Contacts for Children, Young People, Vulnerable People and Parents/Carers

Kids Help Line on 1800 55 1800 or online at [kidshelpline.com.au](http://kidshelpline.com.au)

Lifeline on 131 114 [lifeline.org.au](http://lifeline.org.au)

Youth Help Line 1300 13 17 19

### **5. COMPLAINTS**

This policy is supported by Council's Complaints Policy PO147 to address breaches of the Code of Conduct for Providing Services to Children, Young People and Vulnerable People. Complaints about this policy can be made in writing to the Governance Officer.

### **6. REVIEW**

This policy will be reviewed every four (4) years and as deemed necessary in consideration of any changes to legislation and relevant standards, codes, guidelines and DHS standards. Each time this policy is reviewed, a new compliance statement will be lodged with DHS via the Child Safe Environments Compliance System available at <https://csec.dhs.sa.gov.au/records/Main%20Entry/new?EFormType=Main%20Entry&View=Default>.

### **7. TRAINING**

The Safe Environment Policy will be communicated to all relevant personnel to ensure awareness and understanding. This includes Council Elected Members, Workers, parents, carers, Children, Young People and Vulnerable People where relevant.

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

### **8. RECORDS**

Records shall be maintained as required by Council's Records Management Policy (PO063) and relevant legislation.

### **9. RELATED COUNCIL POLICIES AND DOCUMENTS**

PO011 Training and Development Policy  
PO014 Employee Code of Conduct Policy  
PO026 Fair Treatment Policy  
PO135 Elected Members Training and Development Policy  
PO137 Volunteer Policy  
PO146 Support, Disciplinary and Performance Management Policy  
PO147 Complaints Policy  
PO171 Public Interest Disclosure Policy  
PO174 Yorke Peninsula Leisure Options - Member Incident Management and Reportable Incidents Policy  
PO176 Yorke Peninsula Leisure Options - Feedback, Complaints Management and Resolution Policy  
PO177 Yorke Peninsula Leisure Options - Worker Screening Requirements Policy  
PO183 Yorke Peninsula Leisure Options - Dignity of Risk and Duty of Care Policy  
PO188 Yorke Peninsula Leisure Options – Advocacy Access Policy  
PO193 Yorke Peninsula Leisure Options – Practice Standards Policy  
PO091 Risk Management Policy

PO194 Yorke Peninsula Leisure Options – Dignity, Choice and Control in Decision Making Policy  
PR152 Public Interest Disclosure Procedure  
Local Government Association Model Behavioural Management Policy

## **10. REFERENCES AND LEGISLATION**

Children and Young People (Safety) Act 2017  
Children and Young People (Safety) Regulations 2017  
Child Safety (Prohibited Persons) Act 2016 (SA)  
Child Safety (Prohibited Persons) Regulations 2019  
Children and Young People (Oversight and Advocacy Bodies) Act 2016  
Ageing and Adult Safeguarding Act 1995  
Disability Inclusion Act 2018  
Disability Services Act 1993  
Criminal Law Consolidation Act 1935  
Civil Liability Act 1936  
Equal Opportunity Act 1984  
Intervention Orders (Prevention of Abuse) Act 2009  
Local Government Act 1999  
National Disability Insurance Scheme (NDIS) Act 2013  
National Principles for Child Safe Organisations  
Sex Discrimination Act 1984 and Amendment Act 2013 (Cth)  
Disability Services Act 1986 (Cth)  
Disability Discrimination Act 1992 (Cth)  
Disability Services (Principles and Objectives) Instrument 2018 (Cth)  
Criminal Code Act 1995 (Cth)  
Department for Child Protection: Mandated reporters or notifiers and their role  
Disability Services Employment Screening Standards  
SA Adult Safeguarding Unit Code of Practice  
South Australian Charter of the Rights and Freedoms of Vulnerable Adults

## **10. COUNCIL DELEGATION**

Any applicable delegations are available on Council's website via the Delegations register via <https://yorke.sa.gov.au/about-us/forms-plans-and-publications/register/>.

## **11. VERSION HISTORY**

<b>Version No</b>	<b>Issue Date</b>	<b>Description of Change</b>
1	09/03/2016	New Policy
2	13/09/2023	Significant legislative changes in accordance with the Children and Young People (Safety) Act 2017, Child Safety (Prohibited Persons) Act 2016 and National Principles for Child Safe Organisations. Other alterations made to simplify the content and improve formatting.

**DEFINITIONS**

<p><b>Abuse</b></p>	<p>The violation of an individual’s human or civil rights, through the actions of another person(s).</p> <p>For the purposes of the Ageing and Adult Safeguarding Act 1995, abuse includes:</p> <ul style="list-style-type: none"> <li>a) Physical, sexual, emotional or psychological abuse;</li> <li>b) Financial abuse or exploitation;</li> <li>c) Neglect;</li> <li>d) A person's omission to act in circumstances where the person owes a duty of care;</li> <li>e) The abuse or exploitation of a position of trust or authority;</li> <li>f) A denial, without reasonable excuse, of basic rights;</li> <li>g) Further information is available in the <a href="#">SA Adult Safeguarding Unit Code of Practice</a>;</li> </ul> <p>and, as defined in the <a href="#">Intervention Orders (Prevention of Abuse) Act 2009</a>:</p> <p>An act against a person if it results in or is intended to result in:</p> <ul style="list-style-type: none"> <li>h) Physical injury;</li> <li>i) Emotional or psychological harm;</li> <li>j) An unreasonable and non-consensual denial of financial, social or personal autonomy;</li> <li>k) Damage to property in the ownership or possession of the person or used or otherwise enjoyed by the person.</li> </ul> <p>Emotional or psychological harm includes:</p> <ul style="list-style-type: none"> <li>a) Mental illness;</li> <li>b) Nervous shock;</li> <li>c) Distress, anxiety, or fear that is more than trivial.</li> </ul>
<p><b>At Risk</b></p>	<p>For the purposes of <a href="#">Children and Young People (Safety) Act 2017</a> a child or young person is at risk if:</p> <ul style="list-style-type: none"> <li>a) The child or young person has suffered harm (being harm of a kind against which a child or young person is ordinarily protected);</li> <li>b) There is a likelihood that the child or young person will suffer harm;</li> <li>c) There is a likelihood that the child or young person will be removed from the state (whether by their parent or guardian or by some other person) for the purpose of: <ul style="list-style-type: none"> <li>• Being subjected to a medical or other procedure that would be unlawful if performed in this state (including, to avoid doubt, female genital mutilation);</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Taking part in a marriage ceremony (however described) that would be a void marriage, or would otherwise be an invalid marriage, under the Marriage Act 1961 of the Commonwealth;</li> <li>• Enabling the child or young person to take part in an activity, or an action to be taken in respect of the child or young person, that would, if it occurred in this State, constitute an offence against the Criminal Law Consolidation Act 1935 or the Criminal Code of the Commonwealth;</li> </ul> <p>d) The parents or guardians of the child or young person:</p> <ul style="list-style-type: none"> <li>• Are unable or unwilling to care for the child or young person;</li> <li>• Have abandoned the child or young person, or cannot, after reasonable inquiry, be found;</li> <li>• Are dead;</li> </ul> <p>e) The child or young person is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence; or</p> <p>f) The child or young person is of no fixed address; or</p> <p>g) Any other circumstances of a kind prescribed by the <u>Children and Young People (Safety) Act 2017</u>.</p> <p>It is immaterial that any conduct referred to above took place wholly or partly outside this State.</p> <p>In assessing whether there is a likelihood that a child or young person will suffer harm, regard must be given not only to the current circumstances of their care but also the history of their care and the likely cumulative effect on the child or young person of that history.</p>
<p><b>Child/Young Person</b></p>	<p>Means a person under the age of 18.</p>
<p><b>Child Related Work/Work with Children</b></p>	<p>For the purposes of the Child Safety (Prohibited Persons) Act 2016:</p> <p>The following services or activities are Child-Related Work/Work with Children:</p> <ul style="list-style-type: none"> <li>a) Accommodation and residential services for children;</li> <li>b) Services or activities provided by religious organisations;</li> <li>c) Childcare or child-minding services;</li> <li>d) Child protection services;</li> <li>e) Services or activities provided in the course of the operation of clubs and associations with a significant membership of, or involvement by, children;</li> </ul>

	<p>f) Coaching or tuition services for children;</p> <p>g) Commercial services provided directly to children;</p> <p>h) Disability services for children;</p> <p>i) Education services for children;</p> <p>j) Health services for children;</p> <p>k) Justice and detention services for children;</p> <p>l) Transport services for children;</p> <p>m) If a person provides a service or undertakes an activity that is child-related work in the course of their employment; or</p> <p>n) Carries on a business in the course of which an employee works with children (whether or not the person themselves works with children); or</p> <p>o) Any other service or activity declared by the <a href="#">child safety (prohibited persons) regulations 2019</a> to be child-related work.</p> <p>However, the following services or activities will be taken not to be child-related work:</p> <p>p) A service or activity referred to in (a) to (l) above or any other service or activity declared by the <a href="#">Child Safety (Prohibited Persons) Regulations 2019</a>, that is provided under an arrangement for a personal or domestic purpose;</p> <p>q) Any other service or activity in the course of which contact with children:</p> <ul style="list-style-type: none"><li>• Occurs incidentally; or</li><li>• Would not reasonably be expected to occur;</li><li>• Any other service or activity declared by the <a href="#">Child Safety (Prohibited Persons) Regulations 2019</a> not to be child-related work.</li></ul> <p>A service or activity will not be taken to be child-related work merely because:</p> <p>r) A person employs a child in the course of the service or activity; or</p> <p>s) A person undertakes the service or activity in the same capacity as a child to whom the service or activity relates.</p>
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<b>Driver History Check</b>	A driving history and official driver licence report, requested online using a MySA GOV account, which may be requested in relation to employment at the discretion of the Council.
<b>Duty of Care</b>	The obligation of a person to exercise reasonable care in the conduct of an activity and to take reasonable care to protect people from all reasonably foreseeable risk of injury (including the risks of Harm/Abuse).
<b>General Employment Probity Check</b>	An assessment conducted by the Department of Human Services to help employers decide if an individual will be a suitable employee or volunteer. These checks are role-specific and valid for three years but do not include a copy of the individual's criminal conviction history that is assessed.
<b>Harm</b>	<p>For the purposes of <u>Children and Young People (Safety) Act 2017</u> physical harm or psychological harm (whether caused by an act or omission) including such harm caused by sexual, physical, mental or emotional abuse or neglect.</p> <p>Psychological harm does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life.</p>
<b>Mandated Notifier</b>	<p>For the purposes of <u>Children and Young People (Safety) Act 2017</u> a person whom the <u>Children and Young People (Safety) Act 2017</u> prescribes is required to report a suspicion that a child or young person may be at risk.</p> <p>Every person has a duty to keep children and young people safe from harm. The following persons must report a suspicion that a child or young person may be at risk:</p> <ol style="list-style-type: none"> <li>a) Prescribed health practitioners;</li> <li>b) Police officers;</li> <li>c) Community corrections officers under the correctional services act 1982;</li> <li>d) Social workers;</li> <li>e) Ministers of religion;</li> <li>f) Employees of, or volunteers in, an organisation formed for religious or spiritual purposes;</li> <li>g) Teachers employed as such in a school (within the meaning of the education and early childhood services (registration and standards) act 2011) or a pre-school or kindergarten;</li> <li>h) Employees of, or volunteers in, an organisation 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:             <ul style="list-style-type: none"> <li>• provides such services directly to children; or</li> </ul> </li> </ol>



	<ul style="list-style-type: none"> <li>• 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;</li> </ul> <p>i) Any other person of a class prescribed by the <a href="#">Children and Young People (Safety) Regulations 2017</a>.</p> <p>A reference to a person being employed will be taken to include a reference to a person who:</p> <ol style="list-style-type: none"> <li>a) Is a self-employed person; or</li> <li>b) Carries out work under a contract for services; or</li> <li>c) Carries out work as a minister of religion or as part of the duties of a religious or spiritual vocation; or</li> <li>d) Undertakes practical training as part of an educational or vocational course; or</li> <li>e) Carries out work as a volunteer,</li> </ol> <p>and a reference to something occurring in the course of the person's employment is to be construed accordingly.</p> <p>Prescribed health practitioners means:</p> <ol style="list-style-type: none"> <li>a) Medical practitioners; and</li> <li>b) Pharmacists; and</li> <li>c) Registered or enrolled nurses; and</li> <li>d) Dentists; and</li> <li>e) Psychologists; and</li> <li>f) Any other person prescribed by the <a href="#">Children and Young People (Safety) Regulations 2017</a> for the purposes of this definition.</li> </ol>
<p><b>National Police Check (National Police Certificate)</b></p>	<p>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.</p>
<p><b>NDIS Worker Check</b></p>	<p>Registered NDIS providers must ensure workers who work, or seek to work, with people with disability do not pose risk of harm to them. This check determines whether a person is cleared or excluded from working in certain roles. An NDIS worker check is valid for five (5) years.</p>
<p><b>Neglect</b></p>	<p>A failure to provide the necessary care, aid or guidance to dependent adults or children/young people by those responsible for their care and includes:</p> <ol style="list-style-type: none"> <li>a) Physical - failure to provide adequate food, shelter, clothing and protection. Supervision medical or dental care that places people at undue risk through unsafe environments or practices;</li> <li>b) Passive - withholding or failure to provide the necessities of life;</li> </ol>

	<p>c) Wilful deprivation - wilfully denying a person assistance and thereby exposing that person to the risk of physical, mental or emotional harm;</p> <p>d) Emotional - restricting the social, intellectual and emotional growth or well-being of a person.</p>
<b>Prescribed Position (Child related)</b>	<p>A position set out in the <a href="#">Child Safety (Prohibited Persons) Act 2016</a> including:</p> <p>a) A position in which a person works with children</p> <p>b) A position in which, during the ordinary course of their duties, it is reasonably foreseeable that a person will work with children</p> <p>c) A position set out in the <a href="#">Child Safety Prohibited Persons Regulations (PDF 120 KB)</a>.</p> <p>A person who works in a prescribed position must have a WWCC.</p>
<b>Prescribed Position (Relating to persons with a disability)</b>	<p>For the purposes of the <a href="#">Disability Inclusion Act 2018</a>:</p> <p>a) A position in which a person works, or is likely to work, with people with disability; or</p> <p>Any other position prescribed by the <a href="#">Disability Inclusion Regulations 2019</a> for the purposes of this definition.</p>
<b>Vulnerable People/Person</b>	<p>An adult who may be vulnerable to/at risk of harm or exploitation due to their dependency on others, or experiences of disadvantage. This may be due to ill-health, disability, social isolation, age, diverse cultural and linguistic backgrounds and low levels of literacy or education.</p>
<b>Vulnerable Person-Related Employment Check</b>	<p>An application with the Department of Human Services Screening Unit for a vulnerable person-related employment check, which assesses a range of information to determine assess whether a potential Worker could pose a risk to the safety and wellbeing of vulnerable people. These checks are valid for three years and are continuously monitored.</p>
<b>Worker</b>	<p>All personnel undertaking tasks/duties for and/or on behalf of the Yorke Peninsula Council, including persons employed directly by the Council in a full time, part-time or casual basis, volunteers, contractors, agency personnel, consultants and work experience/student placements .</p>
<b>Worker Screening</b>	<p>Including but not limited to:</p> <p>a) WWCC</p> <p>b) Vulnerable person-related employment check</p> <p>c) NDIS Worker check</p> <p>d) General employment probity check</p> <p>e) Driver history check</p> <p>f) A current National Police Certificate</p> <p>g) A valid, current Department of Human Services Vulnerable person-related employment screening</p>

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	<p>h) A valid, current Department of Human Services General employment probity employment screening</p>
<p><b>Working with Children Check (WWCC)</b></p>	<p>An assessment conducted by the Department of Human Services as to whether a person poses an unacceptable risk to children.</p> <p>Any person who works or volunteers with children in South Australia must have a working with children check. WWCC are valid for 5 years</p> <p>It is an offence to work with children without a WWCC.</p> <p>The <a href="#">Department of Human Services</a> is the central assessment unit (Screening Unit).</p>

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**ROLES AND RESPONSIBILITIES**

**Council** is responsible for development of the Safe Environment Policy and, in conjunction with the Chief Executive Officer (CEO):

- Promoting protection of Children, Young People and Vulnerable People from Harm;
- Responding promptly to advice received from the CEO or other sources concerning significant changes to relevant legislation and regulations;
- Regularly reviewing the effectiveness of the policy.

**Elected Members** have individual responsibility for appropriate behaviour towards Children, Young People and Vulnerable People, and for compliance with the policy.

The **Chief Executive Officer** is accountable to Council and responsible as follows:

- Ensuring the policy is implemented, monitored, reported on and evaluated;
- Being aware of mandatory reporting requirements, procedures, and associated legal responsibilities;
- Ensuring significant changes to relevant legislation are brought to the attention of Council in a timely manner.

**Managers and supervisors (paid and voluntary)** are accountable to the CEO as follows:

- Recruitment and selection in accordance with Council's human resource policies, procedures and requirements for Worker Screening of persons engaged in and applying for Prescribed Positions;
- Effective implementation of the policy, procedures and safe work place practices;
- Being aware and promoting acceptable behaviour when dealing with Children, Young People and Vulnerable People;
- Providing appropriate induction and on-going training as required in relation to the policy;
- Establishing and maintaining supportive procedures for fulfilling mandatory notification requirements and ensure Mandated Notifiers understand their legal responsibilities;
- Reporting any reasonable suspicion of Harm they have of a Child or Young Person to the Child Abuse Report Line (note: it is the Mandated Notifiers responsibility to report their suspicion, not their supervisor's or manager's);
- Supporting Workers and responding to enquiries regarding suspicion of Harm or related issues, maintaining appropriate records and ensuring records are securely stored;
- Maintaining confidentiality and cooperating with the Department for Child Protection (DCP), the South Australian Police and other relevant government agencies in their investigations of suspected Harm of a Child, Young Person or Vulnerable Person if required;
- Report annually to the CEO on implementation, monitoring and review the policy and relevant services, programmes, and workplace practices.

**Mandated Notifiers** have obligations under the [Children and Young People \(Safety\) Act 2017](#) to notify DCP if they suspect on reasonable grounds that a Child or Young Person is, or may be, At Risk of Harm.

*Note:* Whilst the obligation to report suspicions of Harm rests with Mandated Notifiers, they are encouraged to seek advice and support from their supervisor and manager. This practice ensures Workers are appropriately supported, records are kept confidential and secure, and organisational responsibilities are pursued where relevant.

**Other Council Workers (non-Mandated Notifiers)**

All Council Workers providing services on behalf of Council have a role in providing a safe environment for Children, Young People and Vulnerable People, and for complying with the

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policy. Council encourages and supports any Worker who, though not a Mandated Notifier as defined by the [Children and Young People \(Safety\) Act 2017](#), to report any suspicion they have of incidents of Harm or Risk of Harm of a Child, Young Person or Vulnerable Person.

**Third Party Responsibility** for ensuring a safe environment for Children, Young People and Vulnerable People includes:

- Contractors/Consultations;
- Licensees;
- Lease of Council premises/facilities;
- Hire of Council facility - conditions/agreements

Council will include a clause in contracts of engagement, leases and relevant hire agreements, stipulating the requirement for compliance with Council's Safe Environment Policy.

Council will:

- Disclose the policy;
- Provide access to an electronic version of the policy via the [Council website \(www.yorke.sa.gov.au\)](http://www.yorke.sa.gov.au) or hardcopy upon request where a fee may apply in accordance with Council's Fees and Charges Register;
- Insert within the clause an obligation to comply with the policy;
- Insert within the clause an obligation to notify Council of instances of non-compliance with the policy;
- If the third party meets the Prescribed Position criteria, require certification of a Worker Screening which does not exclude relevant party/parties from providing services to or working with Children and other Vulnerable People. This includes cultural, entertainment and party events.

Legal advice may be required in relation to any specific third party arrangements where relevant.

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**CODE OF CONDUCT FOR PROVIDING SERVICES TO CHILDREN, YOUNG PEOPLE AND VULNERABLE PEOPLE**

Council is committed to ensuring that Children, Young People and Vulnerable People are treated with respect, fairness and dignity within a welcoming and supportive environment that is free from Harm and inappropriate behaviour.

All Workers and other persons who provide a service to Children, Young People, and Vulnerable People on behalf of Council are required to comply with this Code. The Code also applies to Children, Young People and Vulnerable People, parents and carers who access Council services.

This Code does not cover every situation – however, the values, ethics and standards it implies provide reference in making decisions relating to situations not referred to. It sets out the minimum standards of behaviour expected during interactions with Children, Young People and Vulnerable People.

Council's Governance Officer can be contacted for further information relating to the application of this Code or the Safe Environment Policy via email to [admin@yorke.sa.gov.au](mailto:admin@yorke.sa.gov.au) or by phone 8832 0000.

Supportive Behaviours

Workers and those who access Council services must at all times:

- Treat Children, Young People and Vulnerable People with respect, sensitivity, fairness, equity and dignity;
- Ensure Children, Young People and Vulnerable People are protected from any form of Harm or discrimination;
- Ensure the environment is safe – this includes protection from violence, bullying, harassment, teasing, threatening and sexist, racist or other demeaning remarks;
- Role model positive behaviours, including:
  - encourage participation in decision making processes;
  - give constructive feedback;
  - ensure Children, Young People and Vulnerable People are aware of their rights, including their rights to respect, fairness and safety.

Workers must be aware of their mandatory notification responsibilities and;

- Inform the Child Abuse Report Line (13 14 78) or report online at [www.reportchildabuse.families.sa.gov.au](http://www.reportchildabuse.families.sa.gov.au) if they form a suspicion a Child, Young Person or Vulnerable Person is At Risk of Harm; or
- Discuss their concern with their supervisor or manager; and
- Where relevant, explain the commitment to maintaining confidentiality including situations that would require the sharing of information, for example mandatory notification responsibilities.

Safe and protective work practices

Adopt safe and protective work practices, including:

- Be aware of potential situations and actions when working with Children, Young People and Vulnerable People that may be misinterpreted or misconstrued, and adopt safe work practice (and also see “Unacceptable behaviours” below):
  - where possible work in an open and visible environment when with Children, Young People and Vulnerable People;
  - dress appropriately;
  - secure parental/guardian consent for excursions or to obtain medical treatment for Children and Young People if the need arises;

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- Adopt a calm and non-judgemental attitude to allow Children, Young People and Vulnerable People to feel safe to raise complaints or concerns;
- If necessary, explain grievance procedures and avenues for complaint in language that is appropriate to the Child, Young Person or Vulnerable Person.

### Unacceptable Behaviours

Unacceptable Behaviours include:

- Discrimination on the basis of ethnicity, culture, religion, gender, sexuality or on any other grounds;
- Hitting or physical assault;
- Language that is offensive, abusive or otherwise inappropriate;
- Showing preferential treatment;
- Shout, yell or speak in an angry, intimidating or threatening manner;
- Engaging in rough physical play;
- Unnecessary physical contact. For example, a hug may be culturally inappropriate or it may be frightening or offensive;
- Condone or participate in illegal or unsafe behaviours when working with Children, Young People and Vulnerable People;
- Make 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, Young People and Vulnerable People;
- Initiating or engaging in non-professional relationships. For example, arrangements to socialise outside the work environment. This includes online contact or providing personal contact details e.g. mobile number or address;
- Taking Children, Young People and 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, Young Person or Vulnerable Person;
- Initiating or developing any relationship that could be deemed as exploitative or abusive;
- Failure to report disclosures or suspicions of Harm to the relevant supervisor and/or Child Abuse Report Line;
- Abusing the trust that results from being a Council Worker;
- Disclosing personal or sensitive information about a Child, Young Person or Vulnerable Person, including images (except where required for mandatory reporting or other legal requirements);
- Providing access to inappropriate material or images;
- Undertake work activities when under the influence of alcohol or prohibited drugs.

### Breaches of Policy / Disciplinary Action

All Workers are responsible for promoting and supporting these values and standards of behaviour.

Breaches of this Code will be subject to disciplinary action in accordance with the Council’s Public Interest Disclosure Policy PO171 and Public Interest Disclosure Procedure PR152.

### Worker Rights

Workers are entitled to representation if alleged of non-compliance with this Code. The principles of fairness, equity and natural justice will apply to investigation and management of the matter. Investigations will be kept confidential, excluding any mandatory reporting requirements to external bodies.

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### Reporting – if you have a concern

All Workers and those accessing Council services have a role in supporting this Code by raising their concerns with the relevant supervisor and/or manager. Any questions of compliance raised by Council Members, other Workers or the community regarding the Code will be considered by the relevant director and/or the CEO.

If you have any difficulties or questions regarding this Code, you should discuss these with Council's Governance Officer.



**PO021 – Safe Environment Policy****MANDATED NOTIFIERS**

The following provides guidance on mandatory reporting requirements relative to the services provided along with training requirements:

Parks and garden, dog/parking inspectors and maintenance

These Workers may come into contact with Children and Young People while carrying out their duties, but are not Mandated Notifiers. However, all Workers should be aware of Council's Safe Environment Policy and who to talk to about any concerns that may arise about Child, Young Person and Vulnerable Person safety during the course of their duties.

Libraries, recreation centres, swimming pools, community centres, caravan parks, information services, and some community development programs

Workers in these roles are Mandated Notifiers because they provide services **partly** to Children and Young People.

Immunization services, child care centres, children's library programs, education programs for children, and Youth Advisory Committees

Workers providing these services **wholly** to Children and Young People are Mandated Notifiers.

Supervisors and/or managers

Supervisors and/or managers who have **direct responsibility** for the supervision of Workers who provide services partly or wholly to Children and Young People are Mandated Notifiers.

Other

There will be other types of services provided by Council either wholly or partly to Children and Young People. The above "partly" or "wholly" test will be applied to determine if relevant Workers are Mandated Notifiers.

Training

Mandatory Notifiers must read and understand the Mandatory Notification Information Booklet available via [www.dhs.sa.gov.au](http://www.dhs.sa.gov.au).

The following schedule provides guidance to assist in determining the appropriate level of training for Mandated Notifiers:

<b>Nature of services provided</b>	<b>Training Requirements</b>
Workers providing services <b>wholly</b> to Children, Young People and Vulnerable People.	One day programme
Workers providing services <b>partly</b> to Children and Young People, and who may have regular and ongoing contact, and where there is the possibility of <b>establishing a relationship</b> with the Child or Vulnerable Person.	One day programme
Direct Managers or Supervisors of the above Workers.	One day programme
Workers providing services <b>partly</b> to Children, Young People and Vulnerable People, <b>incidental to the overall service</b> provision.	2-1/2 hour Orientation Session
Direct Managers or Supervisors of the above Workers.	2-1/2 hour Orientation Session

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A refresher programme is required three years after the initial training/orientation session and every 3 years after that.

### Training Options

Training options include:

- DHS maintains a list of accredited trainers available via <https://dhs.sa.gov.au/how-we-help/child-and-family-support-system-cfss/child-safe-environments/training-safe-environments/approved-public-training-providers>
- The Office for Recreation and Sport (ORS) offer resources for recreation centres, clubs and sporting associations. Visit: [www.orsr.sa.gov.au](http://www.orsr.sa.gov.au)
- The Local Government Association's (LGA) Education and Training Service Programme. Contact: Training and Development at the LGA on telephone 8224 2035

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**MANAGING THE RISKS OF HARM**

Council aims to manage risk of Harm in regard to all programs, premises and participants.

Programs

Basic safety considerations serve to limit opportunities for Harm, such as:

- Determining the number of Workers required for activities;
- Providing opportunities for parental/carer participation;
- Matching activities to the physical and intellectual capabilities of participants; and
- Recognising the risks some activities, such as photography and access to the Internet, afford for Harm.

Premises

Council considers the following in determining the premises activities are to be held:

- Safety and security of recreational areas;
- Access control, lighting, design of shower and toilet facilities;
- Ability to monitor people entering and leaving its programs;
- Spaces not required for program activities should be secured to prevent Children, Young People and Vulnerable People from being isolated;
- Indoor and outdoor areas adequately illuminated to enable observation of activities.

Participants

Protective work practices are in place to guide Workers in providing services to Children, Young People and Vulnerable People including:

- Adopting policies concerning the administration of discipline;
- Prohibition of out of program contact between Workers and participants;
- Unsupervised contact between Workers and Children, Young People or Vulnerable People limited;
- Consent from parents/care givers for unsupervised contact, and notification to supervisor/manager;
- Offer Harm prevention education to participants in programs and parents/carers.