Children and Vulnerable Persons Safety Policy

Adopted by Council 27 August 2013
1 Purpose

1.1 The Children and Vulnerable Persons Safety Policy (the Policy) is a legislative requirement and defines Council's role in ensuring that safe environments will be created to promote and enhance the safety and welfare of children and other vulnerable people who receive services or participate in programs developed by or on behalf of Council.

2 Scope

2.1 The Policy applies to any person performing work on behalf of Council including:
   
   2.1.1 Elected Members;
   
   2.1.2 Chief Executive Officer;
   
   2.1.3 Directors;
   
   2.1.4 Managers;
   
   2.1.5 Staff;
   
   2.1.6 Work experience students and trainees;
   
   2.1.7 Agents, consultants and contractors employed by Council;
   
   2.1.8 Volunteers.

2.2 Employed on a:

   2.2.1 Full-time; or
   
   2.2.2 Part-time;
   
   2.2.3 Casual or contract basis.

2.3 An employee of Council must observe the Policy whenever they:

   2.3.1 Engage in Council work; or
   
   2.3.2 Act as a representative of Council.
3 Definitions

3.1 Child Abuse refers to all aspects of abuse, that is, neglect, physical, emotional, psychological and sexual.

3.2 Children refers to a person under 18 years of age.

3.3 Vulnerable Persons refers to those who may be at risk of abuse or exploitation due to their dependency on others or experiences of disadvantage, and could include people with a physical, intellectual or psychological disability, the frail aged, children, people from culturally and linguistically diverse backgrounds, refugees, and those living in poverty.

3.4 Elder Abuse refers to all aspects of abuse of elderly people, that is, neglect, physical, verbal, sexual, financial and social.

3.5 Staff Includes the Chief Executive Officer, Managers, and other employees employed on a full time, part time, casual or contract basis.

3.6 Criminal history screening refers to the process where a report is obtained from the Commissioner of Police or another prescribed source regarding the criminal history of a person that is 18 years or over for the purposes of determining whether that person is suitable to work with children or vulnerable persons.

3.7 Mandatory Notifier means any person providing services solely or partly to children.

3.8 Mandatory reporting obligation means a mandated notifier must report any suspicion of abuse or neglect of a child to the relevant State Government authority.

3.9 Prescribed Position is a position that requires or involves prescribed functions which involve any of the following:

3.9.1 regular contact with children or working in close proximity to children on a regular basis;

3.9.2 supervision or management of persons in positions requiring or involving regular contact with children or working in close proximity to children on a regular basis;

3.9.3 Access to records relating to children.

3.9.4 Where the work role is listed upon Council’s Children and Vulnerable Persons prescribed positions.
4 Legislative and Corporate Requirements

4.1 The following Acts, Regulations and Guidelines provide the legislative framework for the Policy:

Commonwealth legislation

4.2 Aged Care Act 1997
4.3 Disability Discrimination Act 1992
4.4 Sex Discrimination Act 1984

South Australian legislation

4.5 Criminal Law Consolidation Act 1935
4.6 Children's Protection Act 1993, Children’s Protection Regulations 200
4.7 Department of Families and Communities Children’s Protection Act Guidelines 2007
4.8 Equal Opportunity Act 1984

City of Prospect

4.9 Safe Environment Procedures
4.10 Safe Environment Procedures – Schedule of Child Safe Appropriate Behaviours
4.11 Code of Conduct for Employees and Volunteers
4.12 Risk Management Policy
4.13 Criminal History Assessment Procedures
4.14 Volunteer Management Policy

5 Policy Statement

5.1 Council recognises its legislative obligations and is committed to the safety and wellbeing of children and other vulnerable people who access our services.

5.2 The opinions of children and young people who access our services are encouraged and respected. We listen and act upon any concerns that children, young people or their families raise with us. We teach children what they can do if they feel unsafe.

5.3 We ensure that children, young people and their families know their rights and how to access the complaints procedure available to them.

5.4 We value diversity and do not tolerate any discriminatory practices.
5.5 Support is provided for the rights of children and vulnerable persons in our community to ensure a safe environment is maintained.

5.6 Support is provided for the rights of our staff and volunteers, and encouragement is given for their active participation in building and maintaining a safe environment for children and other vulnerable people.

6 Application of Policy

6.1 Council will undertake the following to manage its obligations under the Policy:

6.1.1 Take all reasonable steps to ensure the most suitable and appropriate people are engaged to work with, and provide services to, children and other vulnerable people.

6.1.2 Applicants for Prescribed Positions will be screened for their suitability to provide services; screening may involve interviews, referee reports, checking qualifications and previous employment history in working with children and obtaining criminal history reports.

6.1.3 Staff employed in a Prescribed Position will undergo a criminal history screening not less than once every three years.

6.1.4 A Children and Vulnerable People’s Safety Contact Officer is nominated by the Chief Executive Officer as a first point of contact. The Officer will provide advice and support to children, parents, employees and volunteers regarding the safety and well-being of children who receive services or participate in programs developed by or on behalf of Council.

6.1.5 Identifying Prescribed Positions will involve consideration of the nature of the service provided (proximity or intimacy), the frequency (incidental contact, regular and/or on-going contact), and the vulnerability of the child or other vulnerable person in the service provision context.

6.1.6 A list of the current Prescribed Positions and the nominated Children and Vulnerable People’s Safety Contact Officer will be maintained and made available on the Intranet, Website and at the Customer Service Desk.

6.1.7 Increase awareness within the organisation about providing an environment where children and vulnerable people are safe and protected from abuse.

6.1.8 Obtain a criminal history check for service providers, facilitators and other persons who are employed or contracted by Council to work with or supervise children and vulnerable people (e.g. for school holiday programs, youth events etc).

6.1.9 Training requirements of all Elected Members, staff and volunteers for Child Safe Environment Training and Elder Abuse Training will be identified and provided in accordance with regulatory requirements and their contact with children and vulnerable persons.
6.1.10 Maintain supportive and responsive procedures for fulfilling mandatory reporting obligations, where relevant, and dealing with complaints and issues effectively as they arise.

6.1.11 Take appropriate security measures for the collection and maintenance of appropriate records related to children and vulnerable persons during delivery of services and programs.

6.1.12 Collaborate and consult with other relevant agencies in matters concerning the protection of children and vulnerable people.

6.1.13 Develop, monitor, evaluate and review risk management strategies and procedures to minimise harm to children and other vulnerable people.

7 Reporting Requirements

7.1 Prescribed Positions and Mandated Notifiers have obligations under the Children’s Protection Act 1993 to notify the relevant State Government authority 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.

7.2 Although a criminal history screening of staff (paid or voluntary) employed in a Prescribed Position will occur not less than once every three years; staff will immediately notify their Manager if they believe they would fail a criminal history screening for the purposes of determining whether that person is suitable to work with children or vulnerable persons.

7.3 Whilst the obligation to report suspicions of abuse rests with Prescribed Positions and Mandated Notifiers, it is recommended in the first instance that staff (paid or voluntary) are encouraged to seek advice and support from their Manager in relation to suspicions of child abuse or neglect.

The practice will ensure staff and volunteers are appropriately supported, records are kept confidential and secure, and any organisation responsibilities in addition to the mandatory reporting obligation are pursued where relevant.

7.4 Council will sensitively support any staff member, volunteer, contractor or consultant who, though not a mandated notifier, suspects incidents of abuse or neglect of a child or other vulnerable person.

In these cases, incidents of abuse of a child or other vulnerable person are to be reported to the relevant Manager who will determine the appropriate action to be taken and where appropriate notify the relevant State Government Authority.

8 Review

8.1 The Policy will be reviewed in line with Council’s Corporate Governance Framework.
9 Access to the Policy

9.1 The Policy is available for public inspection on Council’s website: www.prospect.sa.gov.au and from Customer Service at the Civic Centre, 128 Prospect Road, Prospect SA 5082.

10 Further Information

10.1 For further information about the Policy please contact:
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City of Prospect
128 Prospect Road
Prospect SA 5082

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Email admin@prospect.sa.gov.au