

 MOUNT BARKER DISTRICT COUNCIL	Child Safe Environments Policy	HPCM	DOC/16/52782
		Approved Reviewed	1 August 2016 29 November 2022
		Next Review	29 November 2025

RESPONSIBLE OFFICER/DEPARTMENT:	People & Culture
APPLICABLE LEGISLATION:	Child Safety (Prohibited Persons) Act 2016 Children and Young People (Safety) Act 2017 Privacy Act 1988 (Commonwealth) Public Interest Disclosure Act 2018
MOUNT BARKER COMMUNITY PLAN 2020-2035:	Delivery Guideline 1: Leadership and Good Governance LGG Strategy 1.5: Demonstrate accountability through clear, relevant and easily accessible policies, corporate reporting and legislative compliance. Delivery Guideline 2: Community Wellbeing CW Objective 2.2: Prioritise facilities, programs, planning and policy that supports our priority populations, for example families, our elders, young people and people with a disability.
RELATED POLICIES / CORPORATE GUIDELINES:	<ul style="list-style-type: none"> • Code of Conduct for Council Employees • Risk Management Policy • Recruitment and Selection Policy • Volunteer Policy
SUPPORTING PROCEDURES:	<ul style="list-style-type: none"> • Police Clearance and Screening Procedure • Employee Conduct Complaint Resolution Procedure (Internal & External)

1. PURPOSE

This policy demonstrates the commitment of management and workers of Mount Barker District Council to child safety and establishing and maintaining child safe and child friendly environments.

2. CORPORATE COMMITMENT

This Policy complies with Mount Barker District Council's obligations under Sections 114 and 115 of the Children and Young People (Safety) Act 2017, which requires organisations to establish policies and procedures to ensure that:

- Child safe environments are maintained within the organisation, and
- Appropriate reports of harm or the risk of harm are made under Section 31 of the Children and Young People (Safety) Act 2017.

3. SCOPE

This policy will apply to all workers of Mount Barker District Council.

4. ROLES & RESPONSIBILITIES

3.1. Chief Executive Officer

- Ensure the Policy is implemented, monitored, reported on and evaluated.

3.2. Managers

- Implement the policy and associated procedure and code of conduct for providing a safe environment for children is implemented, monitored, reported on and evaluated, and
- Ensure appropriate systems are in place to monitor, report and evaluate the policy and associated procedure and code of conduct.

3.3. Mandatory Notifiers

- Understand and undertake their legal obligations under the Children and Young People (Safety) Act 2017.

3.4. Workers

- Follow the policy, procedure and Behavioural Code for providing a safe environment for children.

5. DEFINITIONS

Harm or at risk of harm - The Children and Young People (Safety) Act 2017 defines harm, or at risk of harm:

Section 17 states that *harm* in relation to a child means:

- a) Physical or psychological harm, whether caused by an act or omission,
- b) Harm caused by sexual, physical, mental or emotional abuse or neglect.

Section 18(1) defines *at risk* as:

- a) The child or young person has suffered harm, or there is a likelihood harm will be suffered,
- b) There is a likelihood that the child or young person will be removed from the State for unlawful purposes,
- c) The parents or guardians of the child or young person are unable or unwilling to provide care, have abandoned, or have passed,
- d) The child or young person, if of compulsory school age, is consistently absent from school without satisfactory explanation,
- e) The child or young person is of no fixed address, or
- f) Any other circumstances prescribed by regulations exist in relation to the child or young person.

Child or young person refers to a person under the age of 18.

Child Safe Environment is defined as an environment in which the needs of children and young people are considered and met, protecting them from harm or a risk of harm, particularly relating to the fulfilment of love and attachment needs, self-esteem needs and their need to be heard and have their views considered, under the Children and Young People (Safety) Act 2017.

Working with Children is defined as any service which is provided to a child, or the undertaking of an activity which may relate to children. This does not include a person who employs a child in the course of providing a service or activity, or a person who is acting in the same capacity as a child in the course of work, as per the *Child Safety (Prohibited Persons) Act 2016*.

Working with Children Check refers to the process by which an assessment is conducted to review whether the individual poses an unacceptable risk to children, and whether the person should be prohibited from child-related employment.

Manager refers to all manager/supervisor (paid and voluntary) positions within Council irrespective of their actual title (e.g. Manager, Team Leader, Coordinator, etc).

Mandatory notifiers refers to people who are obliged by law to notify Families SA via the Child Abuse Report Line (CARL) if they suspect on reasonable grounds that a child is at risk of harm. Section 30 of the Children and Young People (Safety) Act 2017 establishes mandatory notifiers. The following are relevant to Mount Barker District Council:

1. All Mount Barker District Council workers who are:
 - Registered and enrolled nurses
2. All Mount Barker District Council workers who are employed as a prescribed position under the Child Safety (Prohibited Persons) Act 2016, meaning;
 - A position in which a person works, or is likely to work, with children; or
 - It is likely foreseeable that a person in that position will work with children; or
 - Hold a management position that includes the direct responsibility for, or the direct supervision of, the provision of services to children and young people whether or not those duties constitute child-related work under the Child Safety (Prohibited Persons) Act 2016.

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

6. POLICY

The safety, protection and participation of children and young people is an integral aspect of the culture and practices of Mount Barker District Council and is important to us.

As a child-safe organisation, we:

- Take a preventative, proactive and participatory stance on child protection issues,
- Value and embrace the opinions and views of children,
- Encourage and assist children to build skills that will assist them to participate in society,
- Empower and promote the participation of children in decision-making and service development,
- Are sensitive to and focused on the protection of children,
- Take action to protect children from harm,
- Identify and analyse risk of harm,
- Develop and maintain a Code of Conduct appropriate for adults and children,
- Maintain a rigorous employee and volunteer recruitment, screening and selection process in accordance with Council's Recruitment and Selection Policy and Police Clearance Procedure,

- Support train, supervise and enhance the performance of our employees and volunteers, and
- Report and respond appropriately to suspected harm.

Mount Barker District Council will ensure that when a third party is engaged to provide services to children in prescribed positions that all contracts of engagement, leases and relevant hire agreements include a clause stipulating the requirement for compliance with the *Children and Young Person (Safety) Act 2017* or this Policy.

7. REVIEW

This Policy will be reviewed every three (3) years or earlier in the event of changes to legislation or related Policies and Procedures, or if deemed necessary by the Manager People & Culture.

8. ACCESS TO THE POLICY

The Policy is available to staff via the People & Culture section of the Intranet and available to members of the public on Council's Internet site.

9. FURTHER INFORMATION

For further information on this policy, please contact:

Title: Manager People & Culture
Extension: 436
Email: apett@mountbarker.sa.gov.au