

CHILDREN & VULNERABLE PERSONS POLICY

2022

legislative

PURPOSE

The City of Adelaide (CoA) 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 aims to ensure that all relevant CoA employees, work placement individuals, volunteers, and agency staff 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, the *Child Safety (Prohibited Persons) Act 2016* and the *Children and Young People (Safety) Act 2017*, requires the CoA to put in place appropriate policies and operating guidelines 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. This policy also aims to ensure that the CoA adheres to the *National Principles for Child Safe Organisations*.

STATEMENT

The CoA 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 harm and risk of harm, including physical, sexual, emotional, mental and psychological harm and neglect.

The CoA 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 other vulnerable persons will be the overriding importance of ensuring that it contributes to their wellbeing and does not expose them to harm and risk of harm, including the risk of injury, sexual, physical, emotional or financial 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 or risk of harm to a child or other vulnerable person.

Children and vulnerable persons include:

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

Recruitment Practices

The CoA 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. The CoA works to ensure that the legislative obligations of the *Child Safety (Prohibited Persons) Act 2016* are met.

Our recruitment and selection process includes various steps for prescribed positions, including, but not limited to, Working with Children Checks, 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 checks. Other non-prescribed roles may also require additional checks to be undertaken. The *Children & Vulnerable Persons Operating Guideline* provides further details.

Contract Management

The Procurement & Contract Management team will manage requirements for checks and training in tenders, procurement, and contracts, including for consultants and contractors. The requirements are further detailed in the *Children & Vulnerable Persons Operating Guideline*.

Supervision, training and support for employees and volunteers

The CoA 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. Please refer to the *Children & Vulnerable Persons Operating Guidelines* for further details. This training includes how to recognise, report and respond to suspected harm and risk of harm to children and young people.

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) 13 14 78 if they suspect, on reasonable grounds, that a child is or may be at risk and the suspicion is formed in the course of their employment (paid or voluntary).

If employees, work placement individuals, volunteers, and agency staff suspect, on reasonable grounds, that a vulnerable person is or may be at risk they are to notify South Australian Police (SAPOL) on 131 444.

The CoA 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.

In the event that it is alleged any employees, students on placement or work experience, volunteers, and agency staff are perpetrators of harm and risk of harm in the workplace, towards a child or vulnerable person, the processes of the *Fair Treatment in the Workplace and Grievance Resolution Operating Guideline* are to be followed after meeting your mandatory reporting obligations.

Child Safe Representatives

The Child Safe Representatives will be responsible for:

- The provision of support, guidance and advice pertinent to child and vulnerable person safety matters,
- The provision of support, guidance and advice on the reporting procedures,
- Be a resource for employees and provide information to assist to determine if an incident is reportable and provide information regarding the process involved to report a reasonable suspicion of child harm and risk of harm, and
- Provide debrief support after incident/ reporting has occurred.

Roles and Responsibilities

Leaders 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 & Vulnerable Persons Operating Guideline*.

City of Adelaide employees, volunteers, and agency staff who provide services on behalf of CoA have a role to play in providing a safe environment for children, young people, and other vulnerable persons, and for complying with this policy.

OTHER USEFUL DOCUMENTS

Related documents

- **Children & Vulnerable Persons Operating Guideline**
- Work Health and Safety and Equitable Return to Work Policy
- City of Adelaide Code of Conduct for Employees
- Fair Treatment in the Workplace & Grievance Resolution Operating Guideline
- Risk Management Operating Guideline
- Recruitment & Selection Operating Guideline

Relevant legislation and principles

- *Child Safety (Prohibited Persons) Act 2016*
 - *Children and Young People (Safety) Act 2017*
 - *Disability Services Act 1993*
 - *Aged Care Act 1997*
 - *National Principles for Child Safe Organisations*
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GLOSSARY

Throughout this document, the below terms have been used and are defined as:

Check: refers to the type of formal background check. This could include:

- National Police Check.
- Working with Children Check (WWCC)

Child(ren) or Young Person(s): a person who is 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

Leader: All employees of CoA that have employees directly reporting to them.

Prescribed Position: Is a position that undertakes child-related work under the definitions of the *Child Safety (Prohibited Persons) Act 2016*, which includes:

- (i) accommodation and residential services for children;
- (ii) services or activities provided by religious organisations;
- (iii) childcare or child-minding services;
- (iv) child protection services;
- (v) services or activities provided in the course of the operation of clubs and associations with a significant membership of, or involvement by, children;
- (vi) coaching or tuition services for children;
- (vii) commercial services provided directly to children;
- (viii) disability services for children;
- (ix) education services for children;
- (x) health services for children;
- (xi) justice and detention services for children;
- (xii) transport services for children;
- (xiii) any other service or activity declared by the regulations to be child-related work (see section 7 of the *Child Safety (Prohibited Persons) Regulations 2019*),

However, the following services or activities will be taken not to be child-related work:

- (xiv) a service or activity referred to above that is provided under an arrangement for a personal or domestic purpose;
- (xv) any other service or activity in the course of which contact with children—
 - a. occurs incidentally; or
 - b. would not reasonably be expected to occur;
- (xvi) any other service or activity declared by the regulations not to be child-related work.

Additionally, a service or activity will not be taken to be child-related work merely because;

- (xvii) a person employs a child in the course of the service or activity; or
- (xviii) a person undertakes the service or activity in the same capacity as a child to whom the service or activity relates.

A position is considered to undertake child related work (ie works with children) if it;

- (i) provides a service or undertakes an activity that is child-related work in the course of their employment
- (ii) carries on a business in the course of which an employee works with children (whether or not the person themselves works with children)

- a. for the purposes of this policy 'carries on a business' means directly manages or leads a service, function or centre
- (iii) provides any other service or undertakes any other activity declared by the regulations (see section 7 of the *Child Safety (Prohibited Persons) Regulations 2019*).

Vulnerable Persons: Refers to people who may be at risk of exploitation due to their dependency on others.

ADMINISTRATIVE

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every **2** years unless legislative or operational change occurs beforehand. The next review is required in **2024**. Please note that each time this policy is updated the CoA will lodge a new Child Safe Environment Statement with the Department of Human Services.

review history:

Trim Reference	Authorising Body	Date/ Decision ID	Description of Edits
ACC2022/95653	CEO	29/07/2022	Incorporates amendments requested by Department of Human Services SA to ensure compliance with national principles and legislation.
ACC2022/8674	CEO	01/02/2022	Update terminology in relation to 'harm and risk of harm', in line with legislation, at the direction of the Department of Human Services
ACC2020/141659	AD Customer & People	22/09/2020	Reviewed and approved by AD Customer & People
ACC2019/101502	AD People & Governance	26/05/2019	Updated in line with new legislation. Approved by AD People & Governance
ACC2018/126014	CEO	5/12/2018	Policy creation

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