

CHILDREN & VULNERABLE PERSONS OPERATING GUIDELINE

September 2023

administration

PARENT DOCUMENT: Children & Vulnerable Persons Policy

PURPOSE

The City of Adelaide (CoA) is committed to the delivery of safe practices relating to children and vulnerable persons, therefore ensuring their safety and wellbeing. CoA will take responsibility to provide and promote safe and nurturing environments to children and vulnerable persons.

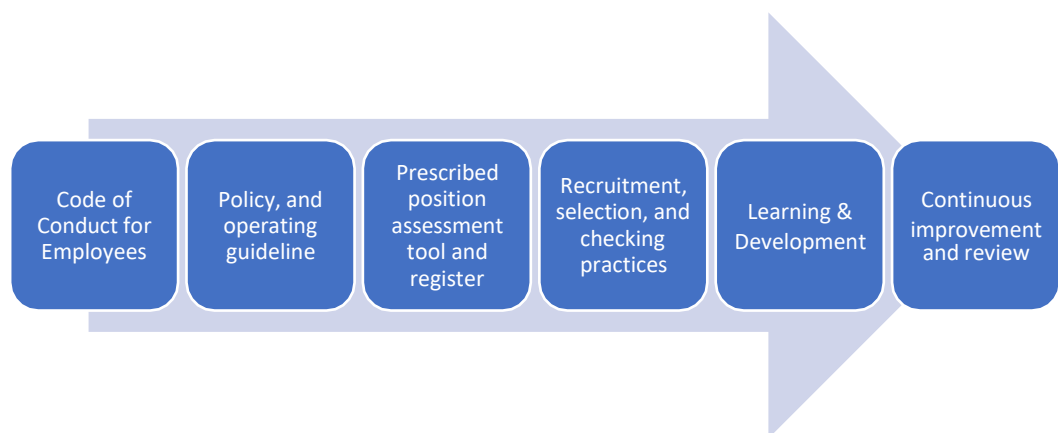
This operating guideline aims to ensure that all relevant CoA employees, work placement individuals, volunteers, and agency staff are aware of the legislative requirements and their duty of care to provide for the protection, safety and wellbeing of children and vulnerable persons at all times. This is also 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.

Additionally, the purpose is to ensure that CoA positions are assessed as being prescribed or not, and that appropriate checks are in place, with the applicable training provided.

OPERATION

The following illustrates CoA's approach to providing a safe environment for all children and vulnerable persons.

Prevention and Protection Practices:



Prescribed Position Assessment Tool and Register (PPATR)

The PPATR enables positions to be assessed to determine if they are a prescribed position or not and identify the relevant check that is required. The register for prescribed positions is centralised for ease of access and use.

[Prescribed Position Assessment Tool and Register](#)

Check Types

The use of the PPATR will determine which of the following checks are required for each position.

Types of Department of Human Services (DHS) Checks are:

- Working with Children Check (WWCC),
- Disability services employment,
- Aged care sector employment,
- Vulnerable-person-related employment.

The above checks are conducted by DHS, and further information about each type of check can be found on the DHS site [here](#). These checks all include Nationally Coordinated Criminal History Checks, referred to in this operating guideline as National Police Checks (NPCs).

Other non-prescribed positions may require a National Police Check (NPC) to be undertaken in the following form:

- Employment/Probity/Licence.

NPCs are currently conducted by the Australian Criminal Intelligence Commission (ACIC), and further information can be found on the ACIC site [here](#).

Recruitment & Selection

Through the recruitment process detailed in the *Recruitment & Selection Operating Guideline*, the hiring manager, with support from People Services, needs to determine if a role is a prescribed position. The PPATR (above) should be used to identify a prescribed position.

If the position requires a WWCC to be completed:

- It must be completed prior to the candidate commencing employment or a volunteer shift.
- It must be obtained prior to engagement of a contractor/consultant (Note: people in this category are responsible for obtaining their own WWCC).
- The outcome will go to People Services, an approved DHS Screening Portal User, or the Volunteer Coordinator who will advise the hiring manager.
- If a candidate holds a WWCC from another organisation this is transferrable to the CoA provided it is not a General Employment Probity or Volunteer Check, in which case they will need to complete a new one with the CoA. New volunteers to the CoA can transfer their DHS Volunteer Checks.

- All WWCCs for new and existing employees will be verified for accuracy online using the DHS Screening Unit portal

If the position requires a NPC to be completed:

- It must be completed prior to the candidate being offered employment or a volunteer position.
- It must be obtained prior to engagement of a contractor/consultant (Note: people in this category are responsible for obtaining their own NPC Check).
- If a candidate holds a NPC from another organisation, they will need to complete a new one with the CoA.

Child Safe Environment & Vulnerable Persons Learning & Development

CoA will provide the following training to employees:

Employee Status	Training Requirement
Child Safe Representatives	One (1)-Day Child Safe Environment Training, plus refresher training every two years
Prescribed Positions	One (1)-Day Child Safe Environment Training, plus refresher training every two years
Non-Prescribed Positions	Online induction component

Work Placements

The People Services team will manage requirements for checks for individuals on Work Placements with CoA. The functions of each placement are to be assessed against the PPATR.

NPC and/or DHS check certificates are to be sourced and provided by the individual. These will only be considered valid if they were issued within three (3) years prior to the date they are provided to CoA for NPC checks and five (5) years prior to the date they are provided to CoA for DHS checks.

Contract Management

The Procurement & Contract Management team will manage requirements for checks and training in tenders, procurement and contracts. The Request for Tender template documentation contains a standard clause regarding the requirements for NPCs and/or DHS checks.

The functions of each contract are to be assessed against the PPATR to determine if NPCs and/or DHS checks, are required for the contractors delivering each contract.

NPC and/or DHS check certificates are to be sourced and provided by the contractor. These will only be considered valid if they were issued within three (3) years prior to the date they are provided to CoA for NPC checks and five (5) years prior to the date they are provided to CoA for DHS checks.

Prescribed organisations will be required to provide evidence of a completed Child Safe

Reporting of Suspicion that Child or Vulnerable Person May be Harmed or at Risk of Harm

The leader will:

- ensure that all employees, volunteers and students on placement in prescribed positions are aware of their reporting obligations under the *Children and Young People (Safety) Act 2017 (Chapter 5)*,
- provide the support needed to ensure that City of Adelaide employees report any concerns about a child or have a reasonable suspicion that a child is at risk of harm or is being harmed by calling the Child Abuse Reporting Line (CARL) on 131 478, and South Australian Police (SAPOL) in emergency situations on 000. These reports are to be made by the person who has formed a reasonable belief of harm or risk of harm
- ensure that any concerns reported to them regarding the welfare of vulnerable persons, who are not children, are immediately reported to SAPOL on 131 444, or in emergency situations on 000,
- ensure that any notifications are also reported to the Child Safe Representative and the People Services Team,
- ensure that any concerns reported to them regarding the welfare of children or vulnerable persons are reported to the People Safety & Wellbeing Team via SkyTrust (on internal extension 911),
- in collaboration with the People Safety & Wellbeing Team, conduct a review of the situation that led to a report and implement any recommended changes as a result of that,
- ensure, in collaboration with the employee that submitted the report, provide support for the child and their family to seek services in their local community. For example referring them to their GP in the first instance.
- Ensure that, in the event that an employee is the subject of the allegation of harm, the person must report any concerns about a child or have a reasonable suspicion that a child is at harm or risk of harm by calling CARL on 131 478, and will then work with the relevant Business Partner to assess the allegations in line with Council's Fair Treatment Operating Guidelines.
 - ☐ During this time, the employee will be made aware, and cannot continue to work in a position where they are required to possess a Not Prohibited WWCC.
- Ensure that, in the event that where an employee is the subject of the allegation of harm, the leader must report any concerns about vulnerable persons or have a reasonable suspicion that a vulnerable person, who is not a child, is at risk of harm or at harm by calling SAPOL on 131 444, or in the case of an emergency on 000, and will then work with the relevant Business Partner to assess the allegations in line with Council's Fair Treatment Operating Guidelines.
- Support the child and their family to seek supporting services within their local community (e.g. referring them to their GP)
- work in partnership with the People Services Business Partner to ensure that CoA employees, work placement individuals, volunteers, and agency staff report any form of suspected child sexual abuse, in compliance with section 64A of the Criminal Law Consolidation Act 1935. The leader and People Services Business Partner will also notify the Manager, People.

Council will:

- If mandated workers fail to report suspicions or a reasonable suspicion that a child or vulnerable person may be or is at harm or risk of harm, the worker will be in breach of the Child Safety (Prohibited Persons) Act 2016 (SA) and Children & Vulnerable Persons Policy, and may result in disciplinary action initiated by the Council against the worker.
- Will ensure that there is support available when making notifications. City of Adelaide has partnered with Converge International to provide employees access to an Employee Assistance Program (1300 687 327).

Records Management for Checks

The People Services Team will keep a register for the management of NPC and DHS checks to ensure three (3) yearly renewals for NPCs and five (5) yearly renewals for DHS checks. Where applicable the People Services Team will manage the record keeping process for work placement individuals and any check requirements.

Any records for employees associated with checks will be managed and destroyed in line with any agreement between CoA and the organisation conducting the check (for example the agreement between the Australian Criminal Intelligence Commission and CoA to conduct NPCs).

The records management and check processes for volunteers will be managed by the Volunteer Coordinator.

Document Management Processes

Under the *State Records Act 1997* General Disposal Schedule for Local Councils (GDS40) records of employees working where there is a risk of long-term implications arising from the location, place or type of work such as employees working with children and vulnerable adults must be kept, which includes keeping copies of rosters and timesheets. Timesheets must also be kept in line with current records management processes through the records management team. In regard to prescribed positions within the CoA:

The employee will:

- complete Flexitime and/or manual timesheets for all hours worked.

The leader will:

- provide all manual timesheets to the Payroll Team.
- provide all rosters for employees working in prescribed positions to Records Management Employees within the Information Management (IM) Team.

The Payroll Team will:

- provide all manual timesheets for employees working in prescribed positions to Records Management Employees within the IM Team.

Records Management Employees within the IM Team will:

- maintain records of timesheets and rosters of employees that are working in prescribed positions once received from leader and/or the Payroll Team, and
- shall ensure these are only disposed of under the relevant General Disposal Schedule for records as required by the *State Records Act 1997* for the management of official

records.

Photography / Video and Social Media Involving Children and Vulnerable Persons

All employees:

- Shall ensure that instructions are issued with event information and permits for events occurring on community land, that informs the holder of the event that particular care is required when taking photos or videos at events which may involve children or vulnerable people.
- Where practicable, permission should be sought from children and signage used at the entrance of large events illustrating the activity which is being undertaken.
- When event photography is of a professional nature to later be used in marketing material at a Council organised event we require signed permission from the parent or guardian (and child where possible) illustrating their consent to the photography or videography.
- Shall ensure that particular care is taken with the use of social media where children and vulnerable persons are involved.

Roles and Responsibilities

Performing Responsibility	Task Description
Leaders/Hiring Managers	<ul style="list-style-type: none"> • Ensure that the relevant check is processed for relevant positions. • Support employees to meet reporting obligations. • Support the People Services Team to review checks that have non-clearances or Disclosable Court Outcomes, as described in the <i>Recruitment & Selection Operating Guideline</i>.
Child Safe Representative	<ul style="list-style-type: none"> • Support leaders and employees to meet reporting obligations. • Provide advice relating to child safety.
People Services Team	<ul style="list-style-type: none"> • Ensure that the <i>Recruitment & Selection Operating Guideline</i> reflects the current legislation relating to Children and Vulnerable Persons. • Ensure appropriate documentation confidentiality and destruction as per legislative and contractual requirements. • Manage the review process of checks that have non-clearances or Disclosable Court Outcomes, in conjunction with the leader/hiring manager, as described in the <i>Recruitment & Selection Operating Guideline</i>. • Immediately contact the Department of Human Services Screening Unit when CoA becomes aware of certain information regarding any person involved with CoA, including any serious criminal offence, child protection information, or disciplinary or misconduct information.

People Experience Team	<ul style="list-style-type: none"> Coordinating the training for prescribed positions to develop the appropriate skills, knowledge and capabilities relating to the safety and wellbeing of children and vulnerable persons, including reporting obligations. Keeping training records in line with State Records requirements. Ensuring that CoA's expectations and appropriate behaviour are outlined in the induction process.
Employees, work placement individuals, volunteers, and agency staff	<ul style="list-style-type: none"> Must report any suspicions of harm or risk of harm to a child directly to CARL 13 14 78 or SA Police on 000 if child is at immediate risk. Have a responsibility to inform their leader, People Services or Child Safe Representative of any reports they have made to CARL or SA Police. Are responsible for notifying their leader and People Services immediately of any change to their criminal history or other factors that may limit their ability to hold a satisfactory check at any time. In collaboration with their leader are responsible for supporting the child and their family to seek services in their local community (for example referring them to their GP). Must abide by the Required Behaviours When Working With Children listed in Appendix 1.
Procurement & Contract Management Team	<ul style="list-style-type: none"> Ensure that appropriate DHS Checks or NPCs are held by contractors, <ul style="list-style-type: none"> To determine which contractors are required to hold checks, by assessing their activities against the PPATR above To determine which contractors must provide Child Safe Environment Compliance Statements, and that evidence of this is provided.

OTHER USEFUL DOCUMENTS

Related documents

- **Children & Vulnerable Persons Policy**
- Work Health & 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
- Prescribed Position Assessment Tool & Register
- Recruitment & Selection Operating Guideline
- Risk Assessment Plan Form

Relevant legislation and principles

- *Child Safety (Prohibited Persons) Act 2016 (SA)*
- *Children and Young People (Safety) Act 2017 (SA)*
- *Disability Services Act 1993 (SA)*

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- *Disability Discrimination Act 1992*
- *Aged Care Act 1997*
- *State Records Act 1997 (SA)*
- *National Principles for Child Safe Organisations*
- *Criminal Law Consolidation Act 1935*

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): 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 in which a person works, or is likely to work, with children; or any other position, or a position of a class, prescribed by the regulations for the purposes of this definition (*Child Safety (Prohibited Persons) Act 2016 (SA) s 5 (1)*)

A person will also be taken to work with children if the person

(a) provides a service or undertakes an activity that is child-related work in the course of their employment; or

(b) carries on a business in the course of which an employee works with children (whether or not the person themselves works with children); or

(c) provides any other service or undertakes any other activity declared by the regulations to be included in the ambit of this subsection

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 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
ACC2023/106833	CEO	4/9/2023	DHS recommended changes relating to where an employee is the subject of an allegation of harm
ACC2023/340	CEO	23/12/2022	Change to reflect that employees can no longer work with children while their WWCC is in progress.
ACC2022/95654	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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APPENDIX 1: REQUIRED BEHAVIOURS WHEN WORKING WITH CHILDREN

For all individuals that work with children

Caring for children and young people brings additional responsibilities for City of Adelaide (CoA) employees, work placement individuals, volunteers, and agency staff. All are responsible for promoting and protecting the safety and wellbeing of children by:

- adhering to the organisation's child safe policies at all times and taking all reasonable steps to ensure the safety and protection of children
- treating everyone (this includes employees, work placement individuals, volunteers, agency staff, children, young people and parents) including those of different race, ethnicity, gender, gender identity, sexual orientation, age, social class, physical ability or attributes and religious beliefs with respect and honesty and ensure equity is upheld
- being a positive role model to children in all your conduct with them
- setting clear boundaries about appropriate behaviour between yourself and the children in your organisation to help everyone understand their roles
- listening and responding appropriately to the views and concerns of children
- ensure you are never alone with a child and another adult is always within sight
- being alert to children who are, or may be at risk of harm, and reporting this quickly to the Child Abuse Report Line (13 14 78), and South Australian Police (SAPOL) in emergency situations on 000
- responding quickly, fairly and transparently to any serious complaints made by a child, or their parent/guardian
- encourage, assist, and provide an opportunity for children to voice their opinions on issues that are important/impact (to) them.

Employees, work placement individuals, volunteers, and agency staff must not:

- engage in rough physical games
- develop any 'special' relationships with children that could be seen as favouritism such as the offering of gifts or special treatment
- do things of a personal nature that a child or young person can do for themselves, such as toileting or changing clothes
- discriminate against any child or young person because of age, gender, cultural background, religion, vulnerability or sexuality
- act in a dangerous or foolish manner that may harm ourselves, others or any property
- use prejudice, oppressive behaviour or language with children
- ridicule or yell at a child for making a mistake or demonstrate frustration (eg when the gaining of new skills seems slow)
- seek to use children in any way to meet the needs of adults.

Additional requirements for individuals that work with children in Aquatics

Physical Contact

- Any physical contact with children:

- must be appropriate to the delivery of swimming instruction (such as fitting of goggles and appropriately correcting technique), and
 - must be communicated prior to the contact being made, and
 - must be with the permission of, or initiated by, the child.
- Under no circumstances should any person have contact with children during swimming instruction which involves touching of genitals, buttocks or breasts. Do not make any unnecessary contact.
 - Unnecessary contact which is overly physical or is intended to cause pain or distress is prohibited.
 - If you are required to accompany a child to the bathroom because their parent is unavailable (i.e. supporting younger sibling in the pool), always ensure the parent and your supervisor are aware.
 - Be aware of the dangers of the pool, including those identified in Adelaide Aquatic Centre Manuals, and act accordingly.
 - Address unsafe behaviour and promote respect for other centre users.