

Safe Environments for Children and Vulnerable Persons Policy



1. RATIONALE

The City of Marion has a legislative responsibility to ensure a safe environment for children and vulnerable persons when accessing City of Marion services and facilities. This policy is to be read in conjunction with the City of Marion Safe Environments for Children and Vulnerable Persons Procedure.

2. POLICY STATEMENT

The City of Marion will foster and maintain a safe environment for children and vulnerable persons in our community, and will ensure employees in prescribed positions are assessed for their suitability to work with children and other vulnerable persons. This includes appropriate Department of Human Services (DHS) Screening and induction training which is repeated at prescribed intervals to ensure employees know their responsibility to foster a safe environment free from the risk of harm to children and vulnerable persons.

3. OBJECTIVES

The following principles underpin the City of Marion's approach to maintaining a safe environment for children and vulnerable persons:

- The City of Marion has an obligation to minimise the risk of harm to all children and vulnerable persons who receive services or participate in programs developed by, or on behalf of the City of Marion.
- Children and vulnerable persons are valued, respected and encouraged to participate in decision making and that the safety and protection of children and vulnerable persons is always a priority.
- This policy complies with the *Children and Young People (Safety) Act 2017*, the *Child Safety (Prohibited Persons) Act 2016* and the National Principles for Child Safe Organisations.
- The City of Marion commits to diversity and inclusion for all people. All children and vulnerable persons are embraced and respected regardless of their abilities, gender orientation, sexuality or social economic or cultural background.
- The City of Marion will not tolerate bullying or harassment and will provide a channel for people to report, make a complaint, or provide feedback as outlined in 4.6 of this policy.

4. POLICY SCOPE AND IMPLEMENTATION

Scope

This policy applies to all employees, external contractors, volunteers and agency staff. The operation of this policy is managed by the People and Culture team for implementation, compliance, and monitoring.

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Category: Corporate
Owner: People and Culture
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The online version of this document is the current version. This document is 'Uncontrolled if PRINTED'.

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Implementation

4.1 Child Safe Code of Conduct

All employees, volunteers, agency staff and external contractors who have responsibilities relating to children and young people must comply with the City of Marion Child Safe Code of Conduct.

Any breach of this Code of Conduct will be dealt with in accordance with the City of Marion Managing Unsatisfactory Workplace Performance Procedure.

4.2 Risk Management

In supporting child and vulnerable persons' safety, The City of Marion is committed to ensuring:

- Risks to children and vulnerable people are identified and managed through the City of Marion Corporate Risk Register (see extract on page 10).
- All employees, volunteers, agency staff and external contractors undertaking child and vulnerable persons work are appropriately screened and comply with relevant legislation and the National Principles for Child Safe Organisations.

4.3 Recruitment Practices

The City of Marion 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 City of Marion works to ensure that the legislative obligations of the *Child Safety (Prohibited Persons) Act 2016* are met including Working with Children Checks (WWCC) and other screenings are undertaken through the Screening Unit of the Department of Human Services (DHS).

The City of Marion recruitment and selection process includes various steps for prescribed positions, including, but not limited to, 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 pre-employment screening.

Clause 4.5 of the [Recruitment Selection and Appointment Policy](#) and clause 4.7 of the [Recruitment Selection and Appointment Procedure](#) detail the City of Marion's child and vulnerable person safe recruitment practices.

4.3.1 Prescribed Position Assessment Tool (PPAT)

The PPAT 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.](#)

Check Types

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

Types of DHS screenings undertaken at the City of Marion are:

- Working with Children Check (WWCC),
- 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](#).

Through the recruitment process, detailed in the Recruitment Selection & Appointment Procedure, the Hiring Manager, with support from People & Culture Partners, will determine if a role is a prescribed position.

Other non-prescribed roles may also require pre-employment screening to be undertaken, where identified as necessary by the City of Marion. The Children and Vulnerable Persons Safe Environment Procedure provides further details.

4.4 Purchasing and Contract Management

New Suppliers are added to the purchasing system on approval by the Purchasing Unit, Operational Support. This process is prompted by use of a [New Supplier Form](#) which contains a standard clause regarding the requirements for DHS screenings, as is relevant to the service being delivered. Documentation provided with this form, including DHS screening is maintained and updated by the Purchasing Unit, Operational Support.

Contract Managers are responsible for monitoring contractor compliance with their responsibilities under this policy and the City of Marion procurement requirements. Contractors are responsible for ensuring they have appropriate and compatible child safety policies and processes in place that meet all legislative requirements and the City of Marion procurement requirements. When procuring services that either interact or have potential to interact with children or vulnerable persons, this must be in line with these requirements.

Employees involved in contract and grant design, or management must ensure, where applicable, the appropriate child safety clause is included in Grant Agreement templates and procurement documents.

4.5 Participation and Engagement

The City of Marion is committed to engaging children and vulnerable persons in decision making. The [Youth Collective Committee \(YCC\)](#) is a group of young people selected to represent the views and values of young people within the City of Marion. They bridge the gap between Council and community. The YCC is an opportunity for young people to have a voice on the issues that matter to them and to have input into the City of Marion community.

We are an inclusive organisation that recognises and respects diversity and we are committed to proactively supporting and ensuring cultural safety and inclusion in our engagement strategies.

4.6 Feedback and complaints

The City of Marion is committed to excellence in providing quality and safe services to all children, vulnerable persons and all other people who access our services.

Any reports of bullying or harassment can be reported on the City of Marion's [Feedback and Complaints](#) website page by a child, parent or caregiver, and others in the community.

City of Marion workers who are identified as bullying or harassing a child or vulnerable person will be managed under the Employee Performance Policy, the Managing Unsatisfactory Workplace Performance Procedure and the Discrimination Bullying and Harassment Policy and Procedure.

4.7 Communication of Safe Environments for Children and Vulnerable Persons

The City of Marion is committed to communicating this policy to the community through our external website on our [Safe Environments for Children and Vulnerable Persons](#) page, and to our employees through our [internal intranet page](#). Our supporting policies and procedures are included on these platforms and promoted to all relevant people in promoting children and vulnerable persons' safety and wellbeing.

4.8 Supervision, training and support for employees and volunteers

The City of Marion 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 or support children and other vulnerable persons.

All new employees and volunteers appointed to positions which are defined as a Prescribed Position under the *Children and Young People (Safety) Act 2017* are to complete the "Safe Environments for Children and Young People - Through Their Eyes" training within the first three months of their employment.

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Prescribed positions which work with children and vulnerable persons should undertake appropriate training in addition to the above. All prescribed position holders are provided with refresher training every three years. Child Safe training will be managed by People and Culture.

4.9 Child Safe Working Group

The City of Marion Child Safe Working Group comprises of key stakeholders across the organisation and is a forum for consultation and communication to ensure a consistent standard of child and vulnerable persons safeguarding is maintained at the City of Marion. Policy, procedure and communication strategies are consulted on and continuous improvement strategy is shared in this forum.

This working group includes the Volunteer Program Coordinator, Unit Manager Risk and Strategy, Youth Collective Committee Coordinator, Human Resource Partners and the Child Safe Representatives (Manager People and Culture and Manager Community Connections).

4.10 Child Safe Representatives

The role of Child Safe Representative sits with both the Manager Community Connections and Manager People and Culture positions at the City of Marion.

The Child Safe Representative will be responsible for:

- The provision of support, guidance and advice pertinent to child and vulnerable persons safety matters.
- The provision of support, guidance and advice on the reporting procedures.
- Facilitate debrief support after an incident/reporting has occurred if required.

4.11 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* to notify the [Child Abuse Report Line](#) (CARL) 131 478 if they suspect, on reasonable grounds, that a child is, or may be at risk of harm and the suspicion is formed in the course of their employment (paid or voluntary).

Harm or risk of harm to a vulnerable person can be reported to the [Adult Safeguarding Unit](#).

If employees or volunteers suspect, on reasonable grounds, that a child or vulnerable person is or may be at imminent risk of harm, they are to notify the South Australian

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Police (SAPOL) on 000.

The City of Marion is committed to ensuring that employees are aware of their obligations in relation to recognising, reporting and responding to suspected harm. In the event that it is alleged any employees or volunteers are perpetrators of harm in the workplace, towards a child or vulnerable person, the allegations shall be investigated under the process outlined in the Managing Unsatisfactory Workplace Performance and Conduct Procedure.

Whilst the obligation to report suspicions of harm rests with mandated notifiers, they are also able to seek advice and support from their People Leader, or a Child Safe Representative, in relation to suspicions of child harm. This will ensure employees and volunteers are appropriately supported, records are kept confidentially and securely, and any organisational responsibilities in addition to the mandatory reporting obligation are pursued where relevant. Support services for our employees is included in our Safe Environments for Children and Vulnerable Persons internal intranet page.

Further support or services should be offered to children or vulnerable persons and families if required. Our Community Connections and Youth Collective Committee provide a number of options that can be offered to further support any young or vulnerable persons or families in need. These are listed on our [Safe Environments for Children and Vulnerable Persons](#) page under 'Services for families'.

4.12 Diversity and Inclusion

All children and young people regardless of their age, gender identity, sexual orientation, ethnicity, religious beliefs, ability and family background have the right to be protected from harm and to be treated with dignity and respect. We are an inclusive organisation that recognises, and respects diversity and we are committed to proactively supporting and building the cultural safety and inclusion of all children and vulnerable persons in the City of Marion. We demonstrate inclusivity for all through our [Disability Access and Inclusion](#) plan.

The City of Marion also recognises the distinctive history and experience of Aboriginal and Torres Strait Islander people, and respect and observe their cultural rights. We are committed to creating a culturally safe and inclusive environment in which the diverse and unique identities, experiences and cultural rights of Aboriginal and Torres Strait Islander children and vulnerable persons are respected and valued.

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5. DEFINITIONS

<i>Term</i>	<i>Definition</i>
<i>Agency Staff</i>	Engaged through external labour hire agencies to work temporarily at City of Marion but not employed by the City of Marion.
<i>Children</i>	Persons under the age of 18 years.
<i>Child Safe Representatives</i>	Manager Community Connections and Manager People and Culture.
<i>Complainant</i>	Person who makes a complaint.
<i>Contractors</i>	Paid contractors, not employed by the City of Marion, who provide a service.
<i>Elected Member</i>	An individual elected by the community to represent community opinion/views.
<i>Employees</i>	Workers paid by the City of Marion.
<i>Harm</i>	Section 17 of the <i>Children and Young People (Safety) Act 2017</i> defines 'harm' to mean physical or psychological harm (whether caused by an act or omission), including harm caused by sexual, physical, mental or emotional abuse or neglect.
<i>People Leaders</i>	Front-line Managers, Unit Managers, Senior Leadership Team, Executive Leadership Team and any position that has direct reports.
<i>Prescribed Position</i>	<ul style="list-style-type: none"> • A person working in a position that provides health, welfare, education, sporting or recreational, childcare or residential services wholly or partly for children and young people. • A person working in a position where it is reasonably foreseeable that the position will work with children for more than seven days (consecutive or not) in a calendar year. • A person working in a management position that has direct responsibility for, or direct supervision of, the provision of those services to children and young people. • A person in a position who works with vulnerable people. • A person in a position providing services to people with a disability. • A person in a position providing Aged Care services funded by the Commonwealth.

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<i>Vulnerable Persons</i>	Refers to people who may be at risk of exploitation due to their dependency on others. The definition is broad and in addition to children may include frail, aged people with disabilities, people from culturally and linguistically diverse backgrounds and people who experience social isolation.
<i>Working with Children Check</i>	People working or volunteering with children in South Australia must, by law, have a valid, not prohibited Working with Children Check. A Working with Children Check is an assessment of whether a person poses an unacceptable risk to children.

6. ROLES AND RESPONSIBILITIES

<i>Role</i>	<i>Responsibility</i>
<i>City of Marion</i>	<ul style="list-style-type: none"> Is responsible under the <i>Children and Young People (Safety) Act 2017</i> for ensuring that appropriate policies and procedures are developed to ensure that child safe environments are established and maintained, and that appropriate reports of harm and risk of harm are made by mandated notifiers working in prescribed positions.
<i>CEO</i>	<ul style="list-style-type: none"> Is accountable and has specific responsibilities under the <i>Children and Young People (Safety) Act 2017</i> which includes (but is not limited to) development of codes and principles of conduct, development of procedures, ensuring the dissemination of information about child harm and risk of harm, and monitoring the application of this.
<i>People Leaders</i>	<ul style="list-style-type: none"> Accountable for providing an environment where children and vulnerable persons are safe and protected from harm by adhering to this policy and the Children and Vulnerable Persons Procedure.
<i>City of Marion employees, volunteers and agency staff</i>	<ul style="list-style-type: none"> Provide a safe environment for children and vulnerable persons and for complying with this policy and the Children and Vulnerable Persons Procedure.
<i>Mandated notifiers (someone who works in a prescribed position)</i>	<ul style="list-style-type: none"> Are obligated under the <i>Children and Young People (Safety) Act 2017</i> to notify the Department for Child Protection via the Child Abuse Report Line (CARL) on 131 478 if they suspect, on reasonable grounds, that a child has been or is being harmed or is at risk of harm and the suspicion is formed in the course of their work (paid or voluntary).

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7. REFERENCES

City of Marion

- Employee Performance Policy
- Managing Unsatisfactory Workplace Performance Procedure
- Child Safe Code of Conduct
- Complaints and Grievance Procedure
- Safe Environments for Children and Vulnerable Persons Procedure
- Recruitment, Selection and Appointment Procedure
- Procurement and Contract Management Policy
- Student Placement Procedure
- Corporate Risk Register
- Prescribed Position Assessment Tool (PPAT)

Other

- *Civil Liability Act 1936*
- *Children and Young People (Safety) Act 2017*
- *Child Safety (Prohibited Persons) Act 2016*
- *Criminal Law Consolidation Act 1935*

8. REVIEW AND EVALUATION

The City of Marion will review the policies and procedures once every three years or as required by the *Children and Young People (Safety) Act 2017* and lodge a new child safe environments compliance statement with the Department of Human Services.

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Extract – City of Marion Corporate Risk Register Jan 2023

Risk Description	Risk Causes /Sources	Potential Consequences	Consequence	INHERENT Level of Risk as per Risk Matrix			Current Controls/Contingencies in Place	Current Control	CURRENT Level of Risk as per Risk Matrix			Overall Control
A child or youth patron of the Marion Outdoor Pool experiences physical or psychological harm as a consequence of an incident whilst attending the Marion Outdoor Pool	<ul style="list-style-type: none"> - inadequate staff training - lack of knowledge of council obligations and responsibilities - inadequate screening of employees, contractors and volunteers - Lack of effective Child Safety controls and precautions - improper supervision by parent / or service 	1. Death or critical injury of patron, 2. Parent alerts media 3. Reputation damaged 4. Loss of patronage at Swim Centre 5. Staff morale impacted 6. Liability	1. BusCont/Org 2. Reputation/PA 3. Reputation/PA 4. People 5. Financial	Possible	Major	HIGH	1. Safe Environment for children and vulnerable People Policy and procedures. 2. All staff receive child safe environments/mandatory reporting training. 3. Hazard identification, reporting and management process. 4. Terms and Conditions of Entry requirements. 5. GSPO procedures 6. Insurance 7. 3rd Party Hire form 8. Mandatory swim test 9. Watch around water framework 10. All screening checks are completed on employees, contractors and volunteers and kept on file including Working with Children Check (WWCC)	1. UM P&C 2. UM CF 3. UM CF 4. UM CF 5. UM CF 6. UM CF 7. UM CF 8. UM CF 9. UM CF 10. UM P&C	Unlikely	Moderate	MEDIUM	Effective
Employing person without DHS screenings in a prescribed position or working in vulnerable position	*Lack of proper screening process and reference checking	Harm member of a child or vulnerable person in the community	Social/Cultural Reputational	Likely	Major	HIGH	1. Comply with statement lodged with DHS Police checks for all employees Reference checks prior to employment	Mgr P&C	Unlikely	Major	MEDIUM	Effective
Use of images/material of children, young person and vulnerable people without parental/guardian consent and/or sharing information without consent	Speak to marketing	Inadequate Training Reputational damage through adverse media coverage Criminal prosecution Fines & penalties Unable to provide services to the Community	Social/Cultural Reputational	Likely	Major	HIGH	1. Consent forms are completed for minors by their guardian 2. Training given to all employees 3. Police checks and WWCC checks prior to employment	TBC	Unlikely	Major	MEDIUM	Effective
CoM employees/volunteers and contractors do not understand their obligations to provide a child and vulnerable person safe environment	Inadequate Training and information pre employment screening not completed lack of due diligence Not following policy	Reputational damage through adverse media coverage Criminal prosecution Fines & penalties Unable to provide services to the Community Limited Grants funds	Social/Cultural Reputational	Likely	Major	HIGH	1. Comply with statement lodged with DHS 2. Police checks for all employees 3. Reference checks prior to employment 4. Checks for prescribed position 5. Prescribe position matrix		Unlikely	Major	MEDIUM	Effective