

SAFE ENVIRONS POLICY

Responsible Officer	Chief Executive Officer	Policy Number	G:20
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Previous Revision Date:	23 June 2008 – 508.1.2	Date of Next Review	
Applicable Legislation	Children's Protection Act 1993 Local Government Act 1999 Local Government Act, 1999 and Local Government (Procedures at Meetings) Regulations 2000 Council Policy – Code of Conduct (G:1) Employee Code of Conduct Summary Offences Act 1953 Freedom of Information Act Privacy Principles		

1. INTRODUCTION AND RATIONALE

The Rural City of Murray Bridge is committed to the safety and wellbeing of children, young people and other vulnerable people who access our services. We support the rights of the child and vulnerable persons in the community and will act without hesitation to ensure a safe environment is maintained at all times. We also support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all children, young people and other vulnerable people.

In addition to children and young people, other vulnerable people could include the frail aged, people with a disability, and or people who experience disadvantage, for example, some Aboriginal Australians and newly arrived immigrants and/or refugees.

In addition to the moral obligation, amendments to the Children's Protection Act 1993 (SA) which came into affect on 1 January 2007 places a legal obligation on Councils (and all other organisations providing a service wholly or partly to children) to ensure all children in their care are safe from harm. New requirements for criminal history checks for certain staff and volunteers working in the area of aged care also apply as of 1 March 2007.

This policy aims to ensure the Rural City of Murray Bridge and it's facilities are safe environments for children, young people and other vulnerable people and that they are protected from abuse and neglect. This policy also aims to ensure that all relevant Rural City of Murray Bridge managers, employees, volunteers, contractors and consultants are aware of their duty of care responsibilities for the protection, safety and wellbeing of children at all times.

2. LEGAL OBLIGATIONS

Section 8C(1) of the Children's Protection Act requires local government Councils to establish policies and procedures which take account of Department for Families and Communities Child Safe Environment Standards to ensure:

- child safe environments are established and maintained within the organisation;
- reports of suspected abuse or neglect are made under Part 4 of the Act.

S11(2) prescribes mandated notifiers as any Council employee or volunteer providing sporting or recreational services wholly or partly for children. Mandated notifiers must report any suspicion of abuse or neglect of a child to the DFC Child Abuse Report Line: telephone 24 hours a day, 7 days a week on 13 14 78.

Section 8B requires criminal history screening to be undertaken by non-government organisations prescribed by regulation of people occupying or acting in a prescribed position:

- before a person is appointed to, or engaged in a prescribed position; and/or
- at any time as the organisation thinks necessary or desirable for the purpose of establishing or maintaining child safe environments.

New arrangements were announced by the Australian Government Department of Health and Ageing for criminal history (police) checks for certain staff and volunteers working in the area of aged care which came into effect on 1 March 2007. These requirements apply to Australian Government subsidised aged care services, namely Community Aged Care Packages (CACP) Extended Aged Care at Home (EACH) Packages, and EACH-Dementia. Whilst these requirements do not apply to the provision of Home and Community Care services at the current time, it is expected that criminal history checks will be a requirement in the future. (*See also Lervin Nursing Home procedures for Mandatory Reporting*)

3. DEFINITIONS

The Children's Protection Act 1993 (SA) states that **child abuse and neglect** (or harm) in relation to a child means:

- Sexual abuse; or
- Physical or emotional abuse, or neglect to the extent that:
 - the child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's wellbeing; or
 - the child's physical and psychological development is in jeopardy.

Child means a person under the age of 18.

Criminal history screening involves obtaining information about relevant potential employees, volunteers, contractors or consultants on the basis that the information is deemed relevant to working in a child-related area. The information gathered may include details concerning previous employment and relevant experience; verification of qualifications and professional registration; criminal history information, reference checks and work history reports.

Mandatory reporting obligation means a mandated notifier (any person providing services solely or partly to children) must report any suspicion of abuse or neglect of a child to the DFC Child Abuse Report Line.

Prescribed position is one that requires or involves prescribed functions as follows:

- Regular contact with children or working in close proximity to children on a regular basis.
- Close proximity means in reasonable unaided visual sight that is physically being within eyeshot.
- Regular contact includes contact that may facilitate deliberate use of position and status to access and exploit children. This may include multiple instances of contact of limited duration (attendance at a weekly program) or fewer, extended and intense periods of contact which may be away from children's usual environment.
- Supervision or management of above positions; and
- Access to records relating to children.

A prescribed position may also include one that involves provision of aged care services, or services to other vulnerable people.

Prescribed positions at the Rural City of Murray Bridge will include:

All library staff & volunteers

All Swimming Pool staff & volunteers

All headspace staff and volunteers

All Community Care staff and volunteers

Youth Development Officer, project staff and volunteers

Lerwin Nursing Home staff and volunteers

Immunisation officer and assistants

Depot staff who work around children in public spaces (e.g. playground maintenance)

Safe Environs Contact Officers

Note: As at August 2007 there is no Children's Protection Act regulation requiring Local Government Councils to undertake police checks. However, criminal history screening is included in the DFC standards, referred to above and the Rural City of Murray Bridge has endorsed the implementation of criminal history check screening for prescribed positions.

Identifying prescribed positions will involve consideration of the nature of the service provided (proximity or intimacy), the frequency (incidental contact, regular and/or ongoing contact), and the vulnerability of the child or other vulnerable person in the service provision context.

4. APPLICATION OF THE POLICY AND RESPONSIBILITIES

The policy will apply from the date of endorsement, to all employees, students on placement, work experience students, relevant volunteers, contractors and consultants providing services wholly or partly to children, or who work with children or other vulnerable people.

The Safe Environment Policy will be communicated to all relevant audiences to ensure awareness and understanding of the Rural City of Murray Bridge's commitment to ensuring a safe environment. This will include Council Elected Members, staff, volunteers, contractors, consultants, parents, carers, and children where relevant.

5. POLICY AND PROCEDURE STANDARDS

Rural City of Murray Bridge is committed to and has endorsed procedural standards which focus on ensuring the Rural City of Murray Bridge and its facilities are safe environments for children and vulnerable people. In particular, the following standards reflect the guidance provided by DFC on appropriate standards of conduct for adults in dealing with children.

5.1 Risk Management Strategy

The Rural City of Murray Bridge will identify and assess potential sources of harm and take steps to decrease the likelihood that harm will occur to children, young people and other

vulnerable people who use our services. Areas of risk assessment will include human resources, activities and programs, record keeping, physical spaces, and organizational culture.

5.2 Codes of Conduct

All employees, volunteers, contractors and consultants will be required to comply with the code of conduct endorsed by Council which sets out standards of conduct when providing services to children.

The code of conduct is supported by Council's grievance procedure to address breaches of the code of conduct. For more information about these procedures, contact the Safe Environs Contact Officers - Youth Development Officer, Librarian and/or **Executive Assistance & Governance Officer**.

5.3 Recruitment, Selection and Enhancing Performance

The Rural City of Murray Bridge 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 people. 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. If a criminal history report is obtained information will be dealt with in a manner that reflects the standards developed and issued by the Chief Executive DFC.

The Rural City of Murray Bridge will ensure that all staff and volunteers who work with children or who have access to their records have ongoing support and training to develop, enhance and maintain a child safe environment.

5.4 Involvement in decision-making

The Rural City of Murray Bridge will promote the involvement of children, young people and other vulnerable people in service development planning where relevant, and inform them of their rights and how to access grievance procedures where relevant

5.5 Responding to Suspected Abuse and Neglect

The Rural City of Murray Bridge will ensure that staff, volunteers, contractors and consultants providing services to and/or working with children are aware of their responsibility and are trained, and appropriately supported to report any suspicion of abuse or neglect on reasonable grounds.

The Safe Environs Contact Officers will act as a support and resource for anyone who suspects or becomes aware of abuse and who wishes to take advantage of this support and assistance.

Refer to the "Responding to Suspected Abuse of an At Risk Person Procedure" for the step by step process and record forms.

6. ASSOCIATED DOCUMENTS

- Children's Protection Act 1993 (SA)
- *SA Department for Families and Communities – Child Safe Environments: Principles of Good Practice*

- *SA Department for Families and communities – Child Safe Environments: Dealing with Criminal History Information*
- *Approved Providers of Australian Government Subsidised Aged Care Services – Fact Sheet* www.health.gov.au

POST IMPLEMENTATION ACTION

Electronic PDF version will be kept on the Rural City of Murray Bridge web site for public to view.

This policy will be reviewed on an annual basis in the month of May and at the first meeting of a Council following a periodic election. Council may revise or review this policy at any time.

 The Rural City of MURRAY BRIDGE	<h1 style="text-align: center;">Safe Environment Mandatory Reporting Procedures</h1>	Version No:	1
		Issued:	
		Next Review:	

Background

The Rural City of Murray Bridge requires staff, volunteers, Elected Members and contractors engaged by Council who work with children or other vulnerable persons in our community to report any suspected abuse to the appropriate authorities.

Any person who believes, on reasonable grounds, that a child has suffered or is suffering from abuse must notify the Child Abuse Report Line.

Any person who believes, on reasonable grounds, that a vulnerable person other than a child has suffered or is suffering from abuse must notify a designated Safe Environs Contact Officer who will give advice about further action to be taken.

Scope

Some professionals, such as doctors, nurses, police and school teachers, are legally obliged under the Children's Protection Act 1993 to report suspected child abuse to the Child Abuse Report Line. However, where:

- A person suspects on reasonable grounds that a child has been or is being abused or neglected;
- The suspicion is formed in the course of the person's work (whether paid or voluntary) or carrying out official duties.

The person is required by law to notify the department of that suspicion as soon as practicable after he or she forms the suspicion of any abuse. Council has appointed Safe Environs Contact Officers, who can assist those persons who suspect abuse of a child or vulnerable person.

Residential and Community Care Package carers are legally obliged under the Aged Care Act 1997 to report suspected abuse of clients being cared for.

Where Council is involved with other vulnerable persons or groups which are not specifically covered by legislation, good practice and duty of care principles will apply and anyone suspecting abuse of a vulnerable person will notify the Safe Environs Contact Officers.

The following procedure will assist a person to respond and/or report on any suspected abuse.

Local Government Centre / Headspace / Swimming Pool / Library / Depot.

Making a report about Vulnerable Person Abuse

Each situation is different. In considering the most effective response that will ensure a vulnerable person's safety and wellbeing, you may need to gather information and facts. You may need to consult with other colleagues including a Safe Environs Contact Officer in order to receive support and / or advice.

- Make written notes – record what you observe;
- Continue to monitor – record what you observe;
- Consult with colleagues – request support and advice from colleagues and supervisors;
- Develop action plans based on procedures;
- Talk to other agencies about helping the vulnerable person – collaborate with or engage community health services such as:
 - Local government services,
 - Regional Department of Human Services / Child Protections contacts
 - Disability Service
 - Department of Health and Ageing
 - Aged Rights Advocacy
as appropriate.

Making a report about Child Abuse

- You are legally obliged to make a notification of suspected child abuse to the Child Protection Services if you believe on reasonable grounds that a child is in need of protection;
- You must make a report without delay;
- You are required to make a report each time you become aware of any further grounds for your belief;
- You don't have to prove that the abuse has occurred;
- Mandatory reporting requirements take precedence over professional codes of practice where confidentiality or client privilege is claimed.

The child abuse report line is a centralised point of intake and all child protection concerns are to be reported to the Child Abuse Report Line which is **131 478**.

The person at the Report Centre will ask for certain information including:

- Details – the child or young person's name, age and address;
- Indicators of harm – the reason for believing that the injury or behaviour is the result of abuse or neglect;
- Reason for reporting – the reason why the call is being made now;
- Safety assessment – assessment of immediate danger to the child or children;
- Description – description of injury or behaviour observed;
- Child's whereabouts – the current whereabouts of the child or young person;
- Other services – your knowledge of other services involved with the family;
- Family information – if you have any other details about the family;
- Cultural characteristics – any specific cultural or other details which will help to care for the child.

Lerwin, Community Care or Disability

For residential aged care mandatory reporting procedures please refer to separate Lerwin Policy and Procedure.

For Community Care or Disability reporting, please refer to Community Care or Community Services Abuse Reporting procedure.

REPORT OF A REASONABLE SUSPICION OF CHILD ABUSE AND NEGLECT

1. DETAILS OF CHILD SUBJECT TO REPORT

Family name: Given names:

Aliases (if know) Sex: ☐ M ☐ F

Address of usual residence

Date of Birth: Telephone no:

Temporary address (if applicable)

Indigenous Status: ☐ Aboriginal ☐ Torres Strait Islander ☐ Ethnicity

Does the child speak English? ☐ Yes ☐ No

If no, specify the child's preferred language: Is an interpreter required? ☐ Yes ☐ No

Does the child have a disability? ☐ No ☐ Yes If yes, please specify.....

Parent's details

Name: Name:

Address of usual residence: Address of usual residence:

Telephone no: Telephone no:

State the child's primary care giver (name and relationship):

Are there any relevant orders in place (eg. Child Protection, Domestic Violence) ☐ Yes ☐ No ☐ Unknown

If yes, please specify.....

2. DETAILS OF CARERS, SIBLINGS, OTHERS LIVING AT THE CHILD'S USUAL RESIDENCE (if known)

Name (including aliases)	Date of birth / Age	Relationship to child

3. ABUSE TYPE BEING REPORTED (more than one may be ticked)

Suspected: ☐ Physical abuse ☐ Emotional abuse ☐ Sexual abuse ☐ Neglect

At risk of: ☐ Physical abuse ☐ Emotional abuse ☐ Sexual abuse ☐ Neglect

4. DETAIL OF REPORT (if further space is required please attached additional pages)

Provide as much detail as possible about your reasonable suspicion of child abuse and neglect. Include any previous suspicions, concerns or reports. Also include details of any other agencies involved with this family.

[illegible]

Has the parent / carer / child been advised of the report to the *Child Abuse Report Line?

☐ Yes ☐ No ☐ Unknown If yes, has a referral to a support agency been given to the parent / carer / child (eg. CAMHS): ☐ Yes ☐ No Please specify the support agency:

* If an Aboriginal child is involved, ask for Yaitya Tirramangkotti Aboriginal Child Abuse Reporting Service

5. DETAILS OF PERSON ALLEGEDLY RESPONSIBLE FOR HARM OR RISK OF HARM TO CHILD (if known)

Name (including aliases):

.....

Address of usual residence: Age / Date of birth:

Age / Date of birth:

.....

Telephone no:

Telephone no:

.....	Telephone No.
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Relationship to child:

Relationship to child:

Relationship to child:

6. DETAILS OF CONTACT WITH THE CHILD ABUSE SUPPORT LINE
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Name of authorised DFC officer:

DFC Service Centre:

.....

Date reported: Time reported: Fax No:

7. DETAILS OF STAFF MEMBER MAKING REPORT

Reporting officer's name:

.....

Reporting officer's position:

.....

Clinical / Professional stream:

Nursing Allied health (specify):

.....

Medical Health worker Other (specify):

.....

Signature of reporting officer: Telephone no: Date:

.....

Send to:	Child Abuse Support Line	<input type="checkbox"/>
	Council CEO	<input type="checkbox"/>
	Council Safe Environments Contact Officer	<input type="checkbox"/>

	<i>Safe Environs Code of Conduct</i>	Version No:	1
		Issued:	
		Next Review:	

Background

This Code of Conduct is a public declaration of the principles of good conduct and standards of behaviour that the Council has decided at risk groups and children could reasonably expect of Council staff, volunteers, Elected Members and contractors engaged by Council to demonstrate in the performance of their duties and functions.

Scope

This Code of Conduct aims to minimise risk by ensuring that employees / volunteers spend minimal time alone with at risk people or children or outlines appropriate code of behaviour when employees / volunteers are required to be alone with at risk people or children (e.g counselling / programs etc.).

This code of conduct is a brief clear document that covers issues such as:

- Physical Contact
- Confidentiality
- Toilet and bathing arrangements
- Favouritism and special relationships
- Training

Process

Employees must:

- Treat everyone with respect and honesty, this includes staff, volunteers, students, children, young people and parents;
- Remember to be positive role models to children, in you conduct with them;
- Set clear professional boundaries about appropriate behaviour between yourself and the children who utilise the services provided by the Rural City of Murray Bridge (these boundaries help every employee to carry out their roles well);
- Follow all Rural City of Murray Bridge policies, procedures and guidelines for the safety of children and vulnerable groups;
- Always have another employee or a parent present or in sight when conducting one on one meetings with children;
- Raise any concerns, problems or issues with management as soon as possible;
- Record and act on serious complaints or suspicion of abuse.

Employees will not:

- Engage in rough physical games, including horseplay;
- 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 can do for themselves, such as going to the toilet with them or the changing of clothes etc.

Compliance with this Code of Conduct

All staff, volunteers, Elected Members and contractors engaged by Council are initially responsible for ensuring that compliance with this Code of Conduct occurs.

All employees have a responsibility, (moral and/or legal obligation) under the Children's Protection Act 1993, Section 11. Anyone who suspect, on reasonable grounds, that a child or young person (under 18 years) is being abused or neglected, they should report it either by:

- Contacting Council's appointed Mandatory Reporting Contact Officers for advise;

- Or phoning the Child Abuse Report Line on 13 14 78. This is a state wide, 24 hours a day service.

For other at risk groups (other than residential aged care) complaints or suspicions will be forwarded to the Health and Community Services Complaints Commissioner on Toll free: 1800 232 007.

For Residential Aged Care, refer to Lerwin's "Compulsory Reporting of Resident Abuse" procedure.

Review of this Code of Conduct


This Code of Conduct will be reviewed bi-annually.

Reference

Children's Protection Act 1993

Children's Protection (Miscellaneous) Amendment Act 2005

SIGNED:
	Responsible Officer	
Date:	____/____/____	Date: ____/____/____

 <p>The Rural City of MURRAY BRIDGE</p>	<u>PROCEDURE</u> <i>Police Check / Certificate</i>	Version No:	1
		Issued:	
		Next Review:	

BACKGROUND

The Rural City of Murray Bridge (Council) is committed to using comprehensive recruitment strategies to ensure that the best qualified candidates are selected according to merit and fitness to perform duties.

As a risk management strategy and to comply with Legislative requirements for staff, volunteers and contractors working with vulnerable groups, the recruitment process will include obtaining a satisfactory National Police History Check or a National Police Certificate on staff and volunteer candidates (and contractors who are not directly supervised) to minimise the risk to clients, other staff, volunteers and to Council's reputation of the appointment of a person with an unsatisfactory record of criminal offences.

SCOPE

All library staff & volunteers
 All Swimming Pool staff & volunteers
 All headspace staff and volunteers
 All Community Care staff and volunteers
 Youth Development Officer, project staff and volunteers
 Lerwin Nursing Home staff and volunteers
 Immunisation officer and assistants
 Depot staff who work around children in public spaces (e.g. playground maintenance)
 Safe Environs Contact Officers
 All contractors working unsupervised at designated Council sites
 Any other visitor invited by Council who will be unsupervised at designated Council sites

All staff shall be responsible for obtaining and maintaining a current (no older than 3 years) National Police History Record Check or a National Police Certificate and producing a copy for Council to validate.

The Human Resources department shall be responsible for ensuring a system of recording and staff reminders is maintained and for determinations of suitability of applicants using the processes detailed in this procedure.

PROCESS

For the purposes of this procedure, "Police Check" means a National Police History Record Check obtained through PRM "Police Certificate" means a National Police Certificate issued by the SA Police, Australian Federal Police or Crimtrac.

1. A Police Check/Certificate must be obtained for:

All employees working at designated Council sites and anyone engaged to perform work or activities at these sites where they are reasonably likely to have unsupervised access to vulnerable persons:

- all staff
- volunteers aged 16 years and over

- consultants, contractors (including temp agency staff) and trades people.

The key questions in making an assessment for people (other than staff) are whether they:

- are engaged by Council (either directly or implicitly);
- are “reasonably likely to have unsupervised access to vulnerable persons”.

A satisfactory Police Check or Certificate is to be obtained prior to:

- the potential candidate either being offered employment or the engagement of a volunteer (refer 4. for exceptions) or;
- engagement by Council of a contractor, consultant, tradespeople, allied health professionals, medical staff, social workers, chaplains and ministers of religion (and the like) where they are reasonably likely to have unsupervised access to care recipients. Note: People in this category are responsible for obtaining their own police checks.

Where contracts for the provision of service are entered into with major providers the contract will specify the requirement for that contractor to ensure satisfactory police checks are obtained for all workers supplied to Council.

2. Police checks are NOT required for:

- tradespersons and consultants who do not have unsupervised access to vulnerable people;
- volunteers in a care facility who may undertake group activities but who are not alone at any stage with the care recipient.

3. Acceptable Police Certificates

Council will process applications for “Police Checks” through PRM but will also accept the original and unaltered Police Certificates issued by SA Police, an interstate equivalent (subject to currency provisions in 3.1) or Australian Federal Police where presented by the candidate.

3.1 Currency - New staff or volunteers(when presented by the candidate) Up to 12 months

For potential new staff or volunteers working with vulnerable people, police certificates that are less than twelve (12) months from the date of issue are acceptable.

3.2 Currency - Existing staff or volunteers

Police checks for existing staff and volunteers are to be no older than three years at any time.

The Human Resource department will be responsible for coordinating and advising managers of this requirement and information will be recorded on the Police Check data base. Managers will be responsible for ensuring that staff and volunteers have lodged an online application with PRN Group and that they have signed and returned the relevant consent authority to the Administration department who will make a copy for filing and mail the application.

Existing staff or volunteers who do not lodge an application for a police check (or supply an acceptable certificate obtained elsewhere) will not be allowed to continue to work if their previous police check is over three years old (until a new police check is obtained). Continual refusal will result in termination of employment.

Where any subsequent Police Check reveals an offence the guidelines in Clause 10. – 12. will apply to determine the action to be taken. The provisions of natural justice are to apply.

4 Commencement prior to receipt of Police Check

In most situations the Police Check for staff or volunteers will only take 24 – 48 hours although there will be situations where for a variety of reasons this could be up to 10 days or longer. It is recognized that a delay in obtaining the Police Check may cause operational difficulties.

In those exceptional circumstances and where justified as a legitimate business reason, a conditional offer of employment may be made (i.e. the offer of employment must state that it is “*conditional on Council being satisfied with the Police Check*”) and is subject to:

- the prospective employee/volunteer completing and signing the Statutory Declaration Form;
- a Risk Management Plan being completed.

Those people (other than staff or volunteers) listed in Clause 1. who do not have a valid police check who are reasonably likely to have access to care recipients will need to be supervised. “Supervised” means within line of sight.

5. Risk Management

The requirement for a Police Check or a Police Certificate is a risk management strategy to ensure that potential candidates do not, as a consequence of evidence of their prior convictions, pose a threat to clients (particularly those who are perceived to be most vulnerable) and/or to Council as an organization.

For all conditional offers of employment, a risk management plan must be prepared in consultation with the unit Manager, Human Resources and approved by the CEO.

The risk management plan must outline the steps to be taken to eliminate any risk exposure to clients, other staff, volunteers and Council's reputation.

Where the role is in an identified high risk field, this MUST include the requirement for the employee or volunteer to work under direct supervision at all times until such time as a satisfactory Police Record Check is obtained.

Should the prospective employee declare a police record history on the above statutory declaration, the Manager must refer to the 3 categories (refer clauses 10. – 12.) to consider whether to proceed with any conditional offer of employment.

If, after consideration of all relevant information, the Police Record Check results indicate that disclosed offences are unacceptable, the Manager and Council Human Resources will consult immediately with the CEO and under some circumstances, consideration could be given to possible termination of the employment contract.

6. Candidates who have lived overseas

Where a candidate for an employment or volunteer role or an existing employee or volunteer has, since turning the age of 16 years, been:

- a citizen of an overseas country or
- a permanent resident in an overseas country

they must, in addition to obtaining a police check, also complete a statutory declaration.

This same provision applies to any existing staff member who subsequently applies for re-engagement after resigning to become a permanent resident overseas for a period of time.

7. Ownership/Security

Police Check and Certificate records are to be treated with the strictest confidence and their security is given high priority.

A Police Certificate (supplied by SAPOL) belongs to the individual person that it refers to.

There are no certificates supplied to the candidate where a Police Check is obtained by Council through PRM Group.

8. Cost

The cost of a Police Check obtained through PRM is borne by Council for staff and volunteers (contractors or tradespersons are required to supply and pay for their own).

Council will not reimburse the costs associated with a Police Certificate that is presented by a candidate from another source.

9. Offence history

Council accepts that some members of the community may have had some minor or relatively serious misdemeanors or offences in the past that would not pose a risk either to clients, other staff or volunteers or to Council's reputation.

In determining the risk in offering employment or a volunteer role, "relevance and proportionality" will be considered, i.e. is the offence relevant to the position being applied for or would denying the candidate the position be a disproportionate response to the offence. Factors to be considered include:

- the age at the time the offence was committed;
- how long ago the offence was committed;
- whether there have been repeat offences;
- whether there was a conviction recorded, the relevance of the offence to the role to be performed;
- the type of clients or staff that the person will need to interact with;
- any other extenuating circumstances.

Consideration must also to be given to the implications of the candidate applying at some future time to transfer to another role within Council.

Serious consideration should be given to excluding repeat offenders of minor traffic offences from an employment or volunteer offer, where the role involves any significant level of driving and particularly if it requires transporting others.

10. Category A - Automatic Disqualification

Legislation precludes people working with vulnerable groups being employed, contracted, hired, retained or allowed to provide any other care or ancillary duties either in a paid or non paid role where the person has been:

- convicted of murder or sexual assault;
- convicted of and sentenced to imprisonment for any other form of assault.

In all areas of Council candidates with a history of offence(s), including pending charges, in the categories listed below will automatically be precluded from being considered for either an employment or volunteer position.

In exceptional cases approval may be given (in writing) by the Chief Executive Officer to override and engage the person except for the categories listed above.

Where such approval is given an agreed risk management plan must be developed, approved by the Chief Executive Officer and regularly monitored by the Manager.

- Serious assault: any outstanding charges warrants or Court orders or offences or findings of guilt, with or without conviction, in relation to:
 - any sexual offence in relation to a child;
 - any sexual offence of a violent or exploitative nature;
 - any offence involving harm or exploitation of a child or other vulnerable people;
 - any serious offence involving the use of violence;
 - murder;
 - serious alcohol and drug related offences that indicate a pattern of dependence; - drug trafficking.

11. Category B (serious offences) - Manager & HR discretion

The Manager in conjunction with Human Resources may, in conjunction with the relevant senior manager in charge of the work area, exercise a discretionary power to consider Category B candidates charged with any of the following offences:

- Imprisonment: for any term of imprisonment longer than three months. This includes suspended sentences and sentences in a Youth Training Centre.
- Indictable Offence: for an offence where the person is found guilty or the charge is proven
- and penalty is for imprisonment of 2 or more years.
- Summary Offence: for an offence where the person has been found guilty with the charge proven for any offence involving dishonesty, assault or property damage where the penalty is for more than three months but less than two years imprisonment (including suspended sentence or sentence in Youth Training Centre) or where there have been more than two summary offences in the preceding five years.
- Sexual Offences: any sexually related offence which is not included under Category A.
- Serious traffic: where a person has been found guilty (charge proven) of any serious traffic offence in the 10 years preceding the application for any of the following indictable offences: currently under licence suspension, cancellation or disqualification of driver's licence, guilty in the past 10 years of driving while licence is suspended, cancelled or disqualified, DUI – in excess of .10% i.e. 100% over the Prescribed Limit, DUI - two or more alcohol incidents of being between .08% and .10% within the previous 10 years.

Depending on the type of work to be carried out by contractors and tradespeople (ie. in a non-care work role) a greater level of discretion is available in interpreting what constitutes a satisfactory Police Check for contractors and trades people but excludes any conviction of murder or sexual assault or any conviction and sentencing to imprisonment for any form of assault.

12. Category C (minor misdemeanours/offences) – Manager's Discretion

The Manager may exercise discretion in relation to the candidate with evidence of offence history in Category C where the candidate is considered by merit to be the best candidate for the role, (this authority **cannot** be delegated).

- Minor traffic – traffic offences for Infringement Notices not involving suspension,

cancellation or disqualification of licences are considered minor. Note: Parking fines are not considered an offence.

- Serious traffic – where the candidate has no traffic convictions for the 10 years prior to their application.
- Other offence history – all other offence history (including infringement notices and formal and informal cautions) issued under the Young Offenders Act.
- Undischarged bankrupt
- Imprisonment – for any term less than 3 months (includes suspended sentences and sentences in a Youth Training Centre) except for any candidate in aged care where any imprisonment was for assault will, by legislation preclude them from being employed or engaged.

13. Discrimination

It is not unlawful to refuse employment (or engagement as a volunteer or as a contractor/tradesperson) on the basis of a conviction or other disclosable outcome that is *relevant* to the employment (or engagement).

To evaluate if it is “relevant” to exclude a person with a criminal record from employment (or volunteering), the criminal record of the applicant should be assessed against the inherent requirements of the job to determine the risks involved and advice should be sought from the Human Resources Manager.

A person denied employment due to the content of the Police Check or Police Certificate, must be provided the opportunity to discuss this and be advised the reasons for this decision.

Individuals who dispute the accuracy of the information in the Police Check/Certificate may raise this with the police via the Freedom of Information Act.

14. Obtaining a PRM Police Check

The potential employee or volunteer is to complete the PRN Group Online Application Form and complete the 100 point identity verification. Employees and Volunteers will book a time with Administration staff for assistance (detailed instructions can be found in the PRN Group Power Point presentation “**Candidate’s Instructions: Step by Step Instructions For filling out the Criminal History Check**”).

Once completed, the online form must be printed, signed and returned to Administration for photocopying and filing. A copy of the completed application form will be placed on the applicants personnel file.

NOTE: Applications for a police check are not required for a person who is aged under 16 years. In such cases particular care must be taken to carefully check references/ referees.

A police check for a person aged between 16 and 18 years may need to be signed by a legal guardian.

PRM Group website will include notification of checks that are within three month of expiring (3 years). Council will also maintain a database of all checks and give staff, volunteers and contractors notice that renewal of the check is falling due.

Where the contractor has provided an individual certificate for one of their employees, the three yearly expiry date will be recorded and the contractor notified if they fail to forward a renewed certificate. Where the contractor has chosen to provide a declaration stating that all their employees maintain a current clearance, the contractor will be required to re-affirm this annually in writing.

15. Assessment and certification

Managers will be advised by email where there are no “referrals” ie. there is no match on the Police Check.

Where the Police Check contains offences from Category B, the Manager will consult with Human Resources Manager and will advise, as a result of that conversation, if an offer of employment or engagement as a volunteer can be made and if so whether a risk management plan is required (this will be confirmed by email).

Where a Police Certificate obtained elsewhere is presented at Council, clauses 3. and 10. to 13. above will apply.

RECORDS

Police Check Statutory Declaration
Police Check Risk Management Plan
PRM Online Police Check e-form
Police Check database (electronic)

REFERENCES

Policy & Procedures Manuals
PRM Candidate's Instructions - Step by Step Instructions For filling out the Criminal History Check
PRM Step by Step Instructions for Administrators

LEGISLATION

Equal Opportunity Act 1984 (SA),
Summary Offences Act 1953

REVIEW

This procedure will be reviewed at least biennially or to reflect any changes to legislation, better practice or to improve current practice.

AUTHORISATION

This procedure has been prepared and authorised for use in line with the Document Control procedure.

CONFIDENTIAL

Candidate's Name: _____

Are there any offences declared by the candidate? ☐ NO ☐ YES

If Yes, please detail:

What is the role that the candidate has applied for?

What is the location they will work from?

Will the candidate be required to:

- ☐ Drive a Council vehicle
- ☐ Have access to prescription drugs
- ☐ Have access to money or other easily saleable property
- ☐ Work by themselves without constant supervision
- ☐ Working with children or other vulnerable groups

Based on any declared offences, what are the potential risks in employing the candidate?

- ☐ Council's reputation
- ☐ Theft of property from Council or client
- ☐ Physical risk to clients
- ☐ Abuse of clients
- ☐ Driving while unlicensed
- ☐ Driving while under the influence
- ☐ Disregarding road rules
- ☐ No risk

What are the mitigating circumstances that support the provisional employment of the candidate in light of any declared offences?

- ☐ The offences were committed years ago
- ☐ The candidate was years old when the offences were committed
- ☐ The candidate has had a solid employment or volunteer history for years
- ☐ The candidate has received strong personal references from reputable people
- ☐ The offences occurred during a break up with a spouse
- ☐ The offence occurred when the candidate was suffering a mental disease
- ☐ The offence occurred while the candidate was under the influence
- ☐ Not applicable
- ☐ Other (please specify) _____

What are the risk management strategies that you will adopt if the provisional engagement of this candidate is approved?

- ☐ Ensure they do not work with vulnerable people
- ☐ Ensure they do not work unsupervised with vulnerable people
- ☐ Ensure they do not work unsupervised in the homes of clients

- ☐ Carry out regular unannounced checks of the employee at their job site
- ☐ Regularly review client satisfaction of the employee
- ☐ Hold supervision meetings with the employee on a basis
- ☐ Ensure that they do not transport clients
- ☐ Ensure they do not drive on behalf of Council
- ☐ Check monthly on the status of their driver's licence
- ☐ Ensure they do not have access to prescription drugs
- ☐ Ensure they do not have access to money or valuable goods
- ☐ Please specify any other action that you propose:

Any other comments:

I recommend the appointment of the candidate and undertake to ensure the implementation of an appropriate risk management plan.

Signed:

Date:

Approved by:

Date:

(Manager, Chief Executive Officer)



POLICE CHECK STATUTORY DECLARATION

I,
(Full Name)

of
.....
(Address)

.....
(Occupation)

make the following declaration under the Statutory Declarations Act 1959:

1. I declare that (place a tick or cross in applicable box):

- ☐ since turning 16 years of age, I have been a citizen or permanent resident of a country/countries other than Australia.
- ☐ since turning 16 years of age, I have never been a citizen or permanent resident of a country/countries other than Australia

2. I declare that I have never been:

- a) convicted of murder or sexual assault; or
- b) convicted of, and sentenced to imprisonment for, any other form of assault.

3. I declare that the following is a full and complete history of any criminal history by me, under the abovementioned name and any other name that I have been known by, at any other time.

COURT	DATE	OFFENCE	RESULT

Nor do I have any outstanding matters (including warrants or Court Orders) where I have been or may be charged but am awaiting criminal proceedings for any offence covered below.

4. I understand that:

- a satisfactory clearance from a police check must be obtained before any offer of ongoing employment with Rural City of Murray Bridge will be made;
- Rural City of Murray Bridge may refuse employment on the basis of conviction or other disclosable outcome that is relevant to the employment opportunity;
- I may be subject to the withdrawal of any employment offer or for termination of any employment offered by Rural City of Murray Bridge should I not fully and truthfully complete this Statutory Declaration and:
- a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the Statutory Declarations Act 1959, and I believe that the statements in this declaration are true in every particular.

.....
(Signature of person making the declaration)

Declared at on the (day) of (month) 20.....

Before me
(Signature of person before whom the declaration is made)

.....
(Full Name)

.....
.....
(Address)

.....
(Occupation)

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years – see section 11 of the Statutory Declarations Act 1959.

Note 2 Chapter 2 of the Criminal Code applies to all offences against the Statutory Declarations Act 1959 – see section 5A of the Statutory Declarations Act 1959.

For a summary of persons before whom a declaration can be made – refer below.

A statutory declaration under the *Statutory Declarations Act 1959* may be made before—

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Bailiff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of the Australian Trade Commission who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and
- (c) exercising his or her function in that place

Employee of the Commonwealth who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
- (c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

- (a) an officer; or
- (b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1962* with 5 or more years of continuous service; or
- (c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

- (a) the Parliament of the Commonwealth; or
- (b) the Parliament of a State; or
- (c) a Territory legislature; or
- (d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

- (a) the Commonwealth or a Commonwealth authority; or
 - (b) a State or Territory or a State or Territory authority; or
 - (c) a local government authority;
- with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution