



TATIARA DISTRICT COUNCIL

CHILD SAFE ENVIRONMENT

POLICY

AND

CODE OF CONDUCT



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Version:	2
Last revised date:	3/02/2023
Minutes reference:	
Next review date:	This policy will be reviewed every four years.
Applicable Legislation:	National Principles for Child Safe Organisations 2019 Commonwealth Child Safe Framework 2019 South Australian Legislation: Local Government Act 1999 Children and Young People (Safety) Act 2017 Child Safety (Prohibited Persons) Act 2016 Children and Young People (Safety) Regulations 2017 Child Safety (Prohibited Persons) Regulations 2019 Criminal Law Consolidation Act 1935
Related Policies:	Code of Conduct - Safe and Protective Work Practices – Working with Children and Young People (see Appendix A) Behavioural Management Policy (for elected members) Employee Conduct Policy Volunteer Management Policy Public Consultation Policy & Community Engagement Framework Complaints Policy and Complaints Handling Procedure Internal Review of Council Decisions Procedure Council Delegations and Sub Delegations
Related Procedures:	

1. Introduction

Council 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 the moral obligation to address any harm to children, the *Children and Young People (Safety) Act 2017 (SA)* (the Safety Act) places a legal obligation on councils (and all other organisations providing a service wholly or partly to children) to ensure all children are safe from harm.

This policy aims to ensure the Council organisation and facilities are safe environments for children, young people and that they are protected from harm. This policy also aims to ensure that all relevant Council 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

Child Safe Environments

Section 114(1) of the Safety Act requires councils and subsidiaries to have in place policies and procedures for ensuring:

- child safe environments for children and young people are established and maintained within the organisation; and
- mandatory reporting obligations (as set out in Chapter 5, Part 1 of the Act) are complied with.

The policies and procedures must comply with the National Principles for Child Safe Rev 03 (4 January 2024) 3 of 16





Organisations.

Mandatory Reporting

Section 30(3) of the Safety Act prescribes mandated notifiers as any Council employee, contractor, volunteer or person undertaking educational or vocational training that provides health, welfare, education, sporting or recreational, childcare or residential services wholly or partly for children and young people, being a person who:

- o provides such services directly to children and young people; or
- holds a management position in the organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children and young people; and
- mandated notifiers also include an officer or employee of a Council or subsidiary who holds a management position, the duties of which include direct responsibility for, or direct supervision of, the provision of services to children.

Mandated notifiers must report any suspicion of a child being at risk to the Child Abuse Report Line (CARL) (telephone 24 hours a day, 7 days a week on 13 14 78). All serious concerns must be reported via the phone line, not via the online e-CARL portal (https://my.families.sa.gov.au/IDMProv/landing.html).

• Compliance Statements

Organisations providing services to children and young people must lodge a child safe environments compliance statement with the Department of Human Services and lodge a new statement each time policy(ies) are reviewed and updated (or every 5 years, whichever occurs first).

3. Definitions

Child or young person means a person under the age of 18.

Harm includes physical or psychological harm (whether caused by an act or omission) and includes such harm caused by sexual, physical, mental or emotional abuse or neglect.

Prescribed position is a position in which a person works with children or a position in which it is reasonably foreseeable that the person will work with children, including people who:

- provide a service or undertake an activity that is child-related work in the course of their employment;
- carry on a business in which an employee works with children (whether or not the person works with children); or
- are employed to provide preschool, primary or secondary education to a child (whether or not the person is a registered teacher).

Prescribed positions may be held by employees, volunteers, contractors, persons undertaking educational / vocational training or elected members.

National Police Check is a summary of an individual's offender history in Australia and a record of their criminal history relating to convictions, finding of guilt or pending court proceedings. They are available from South Australia Police (SAPOL) or organisations accredited by the Australian Criminal Intelligence Commission.

Working with Children Check 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. As part of the process, the Screening Unit will look at criminal history, child protection information and other information.



4. Scope

The policy will apply to all employees, volunteers, elected members, students on placement, work experience students, contractors and consultants providing services wholly or partly to children or young people, or who work with or near children or young people.

The *Child Safe Environment Policy* will be communicated through Council's usual channels to all relevant audiences to ensure awareness and understanding of Council's commitment to ensuring a safe environment. This will include elected members, staff, volunteers, contractors, consultants, parents, carers, and children where relevant.

5. Policy

Tatiara District Council is committed to ensuring the organisation and Council facilities are a safe environment for children and vulnerable people.

The following principles promote a safe organisation for children, young people and vulnerable people.

5.1 Risk Management Strategy

Council 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 organisational culture.

5.2 Codes of Conduct

All employees, volunteers, contractors, elected members 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 Council's Director Corporate & Community Services.

5.3 Recruitment, Selection and Enhancing Performance

Council will take all reasonable steps to ensure that we engage the most suitable and appropriate people to work with, and provide services to, children and young people.

Applicants for prescribed positions will be screened for their suitability to provide services. Screening will involve Working with Children Check, interviews, at least two referee checks, checking qualifications and previous employment history in working with children.

All staff and volunteers who will be working in a role with children and young people must hold a current, not prohibited Working with Children Checks (WWCC) issued by the Screening Unit of the Department of Human Services, provide evidence of this prior to employment and renew this WWCC every 5 years. We will verify the accuracy of all WWCCs in the DHS Screening Unit portal as required by law.

Council will immediately contact the Department of Human Services Screening Unit when we become aware of certain information regarding any person involved with our organisation, including any serious criminal offence, child protection information, or disciplinary or misconduct information.

Council will ensure that all employees, volunteers, contractors, elected members and Rev 03 (4 January 2024) 5 of 16





consultants who work with children and young people, or who have access to their personal records, are provided with ongoing support and training to develop, enhance and maintain a child safe environment, including:

- ensure all such workers read and understand the Mandatory Notification Information Booklet available at: <u>https://dhs.sa.gov.au/__data/assets/pdf_file/0003/103179/CSE-</u> <u>Mandatory-notification-information-booklet.PDF</u> during induction; and
- o complete Safe Environments: Through their eyes training every 3 years.

5.4 Reporting and responding to Harm or Risk of Harm

Mandatory notification is an external reporting obligation required by law.

Mandated notifiers are employees, volunteers, contractors, or consultants, being people who:

- o provide such services directly to children and young people; or
- hold a management position in the organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children and young people

Council will ensure that employees, volunteers, contractors and consultants providing services to and/or working with children are aware of being a mandated notifier and are trained, and appropriately supported to report any suspicion of harm or risk of harm (including abuse or neglect) on reasonable grounds.

Non-mandated notifiers are encouraged to make voluntary reports about harm or risk of harm to a child or young person.

Reports regarding the reasonable belief that a child or young person is, or may be, at risk of harm are to be made to the Child Abuse Report Line (CARL) on 13 14 78 or if at immediate risk, report to South Australia Police (SAPOL) on 000. In cases involving Aboriginal children and young people, support is provided by Yaitya Tirramangkotti, an Aboriginal team, via the CARL number.

The individual who identifies the harm or risk of harm must be the person who makes the report to CARL/SAPOL and this is not reported internally for another employee to determine if it is a reportable matter. The relevant authority (CARL/SAPOL) will guide council on whether an internal investigation is appropriate.

Council will support children, young people and their families after a report to CARL/SAPOL has been made through referring the child, young person or their family to other appropriate services and continuing to provide a service to the child or young person and their family and monitoring their circumstances.

5.5 Reporting and responding to general complaints and feedback

Any stakeholder of the Council can make a complaint or express dissatisfaction with Council services or facilities. Any breaches in employee conduct should be reported to Council in line with the *Complaints Policy and Complaints Handling Procedure*.

Council encourages families, children and young people to provide feedback on programs, services and facilities provided by Council. This commitment is underpinned through Council's *Public Consultation Policy & Community Engagement Framework.*

We encourage and respect the views of children and young people and involve them in decision making as appropriate. Council provides clear age-appropriate or developmentally appropriate explanations to children and young people including their right to safety, their right to be listened to and that they can provide feedback or make a complaint if they have a concern, to any worker





or ask their parent/guardian to do this on their behalf. We will listen to and act upon any complaints or concerns that a child or young person raises with us.

6. Associated Documents

- Children and Young People (Safety) Act 2017 (SA)
- Children and Young People (Safety) Regulations 2017 (SA)
- Child Safety (Prohibited Persons) Act 2016 (SA)
- Child Safety (Prohibited Persons) Regulations 2019 (SA)
- Criminal Law Consolidation Act 1935
- National Principles for Child Safe Organisations
- Code of Conduct Safe and Protective Work Practices Working with Children and Young People
- Behavioural Management Policy (for elected members)
- Employee Conduct Policy
- Volunteer Management Policy
- Public Consultation Policy & Community Engagement Framework
- o Complaints Policy and Complaints Handling Procedure
- o Internal Review of Council Decisions Procedure
- Council Delegations and Sub Delegations

7. Policy Review

The Child Safe Environment Policy will be reviewed at a minimum every 5 years to ensure compliance with the *National Principles for Child Safe Organisations* and effective maintenance of a safe environment.

If Council expands the services offered to children and young people; undergoes a substantial change; or experiences an event or incident where a child or young person was or could have been at risk, a review of this Policy should be considered.

A statement of compliance should be lodged with the Department of Human Services as soon as possible after preparing, adopting, varying, or substituting the Policy.



9. Availability

This Policy will be available for inspection at the Council Offices at Bordertown and Keith during ordinary business hours at no charge. Copies of this Policy will also be available from Councils website www.tatiara.sa.gov.au or postal copies may be obtained from the Council Office, to be charged at the scheduled rate according to the Fees and Charges Register.

10. Record of Amendments

DATE	REVISION NO	REASON FOR AMENDMENT
8 February 2011	Rev 00	New Policy to be adopted
9 August 2016	Rev 01	Policy adopted by Council
3 February 2023	Rev 02	Policy updated to reflect <i>Children and Young</i> <i>People (Safety) Act 2017</i> and repeal of <i>Children's Protection Act 1993</i>
4 January 2024	Rev 03	Policy updated to reflect changes required for child safe environments compliance statement



Appendix A –Code of Conduct - Safe and Protective Work Practices

Tatiara District Council

Code of Conduct - Safe and Protective Work Practices

Working with Children and Young People

Council is committed to ensuring that children and young people are treated with sensitivity, respect, fairness and dignity within a welcoming and supportive environment that is free from all types of harm and inappropriate behaviour.

This Code of Conduct has been drafted in accordance with section 114 of the South Australian *Children and Young People (Safety) Act 2017* and Council's Child Safe Environment Policy.

This Code applies to all staff, elected members, volunteers, children, young people, parents, and carers who access Council services. All employees, volunteers, contractors, consultants, and any other persons engaged to provide any service wholly or partly to children on behalf of Council are required to comply with this Code of Conduct, as well as children, young people, parents and carers who access Council services.

The standards in this Code of Conduct are consistent with the international human rights principles as enshrined within the United Nations *Convention on the Rights of the Child*.

This Code of Conduct does not cover every situation – however, the values, ethics and standards it sets are a reference point to help make decisions relating to situations not referred to in this Code of Conduct.

It sets out the minimum standards of behaviour expected during any interactions with children and young people in accessing Council services.

Council's Director Corporate & Community Services can be contacted for further information relating to the application of this Code of Conduct or the Child Safe Environments Policy.

Supportive Behaviours

Staff, contractors, consultants, volunteers, elected members and those who access Council services must at all times:

- Treat children and young people with dignity, respect, sensitivity, fairness and equity
- Ensure children and young people are protected from any form of harm or discrimination
- Ensure the environment is safe for children and young people this includes protection from violence, bullying, teasing, threatening and sexist or racist remarks.

Role model positive behaviours, for example:

- o encourage children and young people to participate in decision making processes;
- o give constructive feedback to children and young people; and
- ensure children and young people are aware of their rights, including their rights to respect, fairness and safety.

Staff, contractors, consultants, volunteers and elected members with mandatory notification responsibilities must be aware of their duty to report to the Child Abuse Report Line (13 14 78) if they form a suspicion that a child or young person is being harmed or is at risk of harm. Workers can discuss their concern with their supervisor or manager; and where relevant, explain the commitment to maintaining confidentiality, including situations that would require the sharing of



information, for example mandatory notification responsibilities.



Safe and protective work practices

Staff and volunteers must adopt safe and protective work practices.

Staff and volunteers must be aware of potential situations and actions when working with children or young people that may be misinterpreted or misconstrued, and adopt safe work practices. For example:

- where possible work in an open and visible environment when with children and young people;
- dress appropriately for staff and volunteers, in accordance with Council's Dress Code Policy;
- secure parental/guardian consent for excursions or to obtain medical treatment for children and young people under 18 years if the need arises;
- adopt a calm and non-judgmental attitude to allow young people to feel safe to raise complaints or concerns; and
- where necessary, explain grievance procedures and avenues for complaint in simple and clear language that is appropriate to the age of the child or young person.

Unacceptable Behaviours include the following:

- Any form of discrimination against a child or young person based on ethnicity, culture, religion, gender, sexuality or on any other grounds.
- Hitting or physically assaulting a child or young person.
- Using language that is offensive, abusive or otherwise inappropriate.
- Showing preferential treatment to one child or young person over others.
- Shout, yell or speak to a child or young person in an angry, intimidating or threatening manner.
- Engaging in rough physical play with children or young people.
- Unnecessary physical contact with children or young people. For example, giving a child or young person a hug may be culturally inappropriate or it may be frightening or offensive to the child or young person.
- Condone or participate in illegal or unsafe behaviours when working with children or young people.
- Make inappropriate self-disclosures relating to any participation (past or present) in illegal or unsafe behaviours. For example, past drug use should not be disclosed to or discussed with children or young people.
- Initiating or engaging in 'friendship' relationships with a child or young person.
- For example, it is not OK to make arrangements to socialise outside the work environment. Remember, children and young people are clients not friends.
- Taking children or young people to your home or on outings that do not fall within professional duties or that have not been authorised by parents or guardians
- Acting in a manner that is sexually inappropriate this includes verbal, physical and implied behaviours.
- Initiating or developing a physical/sexual 'relationship' with a child or young person.
- Initiating or developing any relationship that could be deemed or perceived as exploitative or abusive with a child or young person.
- Failure to report disclosures, or suspicions, of harm (including abuse or neglect) to the Child Abuse Report Line (CARL) on 13 14 78.
- Failure to report any mandatory reporting to a line manager or supervisor

Breaches of Policy / Disciplinary Action

All staff and volunteers, contractors, consultants and elected members have a responsibility for promoting and supporting these values and standards of behaviour.

Where a staff member, volunteer, contractor, consultant, or elected member is found to have acted outside of this Code of Conduct - Safe and Protective Work Practices, they will be subject to disciplinary action commensurate with the seriousness of their actions. For staff or volunteers, this disciplinary action may take the form of a warning, counselling or termination of their employment. For other categories, Council will take appropriate action relevant to that category.



Breaches of this Code of Conduct will be investigated on a case-by-case basis and in accordance with the Council's Staff Performance Management and any other relevant Policy(ies).

Reporting – if you have a concern

All staff, contractors, consultants, volunteers, elected members and those accessing Council services have a role in supporting this Code of Conduct by raising their concerns with the relevant Team Leader, Manager or General Manager. Any questions of compliance raised by Council Members, other staff or the community regarding the Code will be considered by the relevant General Manager or the Chief Executive.

If you have any difficulties or questions regarding this Code of Conduct, you should discuss these with your supervisor, manager, director, or the Director Corporate & Community Services.



Appendix B – Roles and Responsibilities

Council is responsible for development of the "Child Safe Environment Policy" and in conjunction with the Chief Executive Officer and/or his or her delegates (where appropriate):

- $\circ~$ promoting protection of children and young people from harm;
- responding promptly to advice received from the Chief Executive Officer or other sources concerning significant changes to relevant legislation and regulations; and
- o regularly reviewing the effectiveness of the policy.

Elected Members have individual responsibility for appropriate behaviour towards children and young people, and for compliance with the policy.

The **Chief Executive Officer** is accountable to Council and responsible as follows.

- Ensuring the policy is implemented, monitored, reported on and evaluated.
- Being aware of mandatory reporting requirements, procedures, and associated legal responsibilities.
- Ensuring significant changes to relevant legislation are brought to the attention of Council in a timely manner.

Directors, managers and supervisors (paid and voluntary) are accountable to the Chief Executive Officer as follows.

- Recruitment and selection in accordance with Council's human resources policies and procedures and requirements for working with children and young people.
- Effective implementation of the policy, procedures and safe workplace practices.
- Being aware and promoting acceptable behaviour when dealing with children and young people.
- Providing appropriate induction and on-going training as required in relation to the Safe Environment Policy.
- Establishing and maintaining supportive procedures for fulfilling mandatory notification requirements and ensure mandated notifiers understand their legal responsibilities.
- Reporting any reasonable suspicion of harm they have regarding a child or young person to the Child Abuse Report Line (note: it is the mandated notifier's responsibility to report their suspicion, not their supervisor's or manager's).
- Supporting staff and responding to enquiries regarding suspicions of abuse or related issues, maintaining appropriate records and ensuring records are securely stored.
- Maintaining confidentiality and fully cooperating with the Department for Child Protection (DCP), the South Australian Police and other relevant government agencies in their investigations of suspected harm of a child, young person or other vulnerable person if required.
- Report annually to the Chief Executive Officer on implementation, monitoring and review of the Policy and relevant services, programs, and workplace practices.

Mandated Notifiers have obligations under the *Safety Act* to notify the DCP if they suspect, on reasonable grounds, that a child or young person is or may be at risk of harm and the suspicion is formed in the course of their work (paid or voluntary) or in carrying out official duties.

*Note: Whilst the obligation to report suspicions of harm rests with mandated notifiers, they are encouraged to seek advice and support from their supervisor and manager, or the Director Corporate & Community Services in relation to suspicions of harm or risk of harm towards a child. This practice will ensure staff and volunteers are appropriately supported, records are kept confidentially and securely, and any organisation responsibilities in addition to the mandatory reporting obligation are pursued where relevant.

Other Council staff, volunteers, contractors and consultants who are non-mandated notifiers



All Council staff, volunteers, contractors and consultants providing services on behalf of Council have a role to play in providing a safe environment for children, young people and other vulnerable people, and for complying with the policy.

Council strongly encourages and will sensitively support any staff member, volunteer, contractor or consultant, whether or not a "mandated notifier" as defined by the *Safety Act*, to report any suspicion they have of incidents of harm or risk of harm towards a child or young person.

In these cases, incidents of harm towards a child or young person are to be reported to the relevant program manager who will, in consultation with the Chief Executive Officer, determine the appropriate action to be taken and where appropriate report to the relevant Government authorities.

Third Party Responsibility

- Contractors/Consultants
- Licensees
- Lease of Council premises/facilities
- Hire of Council facility conditions/agreements

All contractors, consultants, licensees, lessees and hirers of Council facilities are required to comply with Council's Safe Environment Policy. This applies to all contractors including organisations, sole traders and partnerships.

Council will:

- disclose the policy to such third parties;
- attach a copy of the policy to the contract, lease or hire agreement, or provide access to an electronic version of the policy;
- advise third parties of their obligation to comply with the policy; and their obligation to notify Council of instances of non-compliance with the policy if the third party meets the "prescribed position" test.



Appendix C – Extract Tatiara District Council Risk Register Jan 2024

							TI	DC ·	- Oper	ationa	al Risk Register										
								NHE		ISK			RESI	IDUAL R	ISK	Accept	Further Treatment		R	EVISED	
Risk ID No.	Business Unit	Risk Category	Strategic Plan	Risk name & Description	Risk Issues Identified	Risk Owner	Consequence	Likelihood	Inherent Risk Rating	Inherent Risk Rating (Numeric)		Cons equence	Likelihood	Current Risk Rating	Inherent Risk Rating (Numeric)	Y or N	Y or N (Additional Controls)	Cons equence	Likelihood	Residual Risk Rating	Inherent Risk Rating (Numeric)
WH&S3	Corporate Services	Work Health & Safety		Child Safe & Vulnerable People.	1. Safe environment for children and vulnerable people.	WH&S Officer	Moderate	Likely	High	16	 Policy - Safe Environment for Children & Vulnerable People. Appropriate clearances in positions dealing with vulnerable people directly. Bookings - acknowledge requirements (e.g. separation of public and school groups). Bookings - any people bringing in vulnerable people must state if they have the appropriate clearances. Appropriate supervisions are in place to ensure children's safety at Council facilities. 	Moderate	Rare	Medium	13	Y				#N/A	#N/A
	Corporate Services		Safe Environments for Children & Vulnerable Persons	A child or youth patron of the Bordertown Pool or Keith Pool experiences physical or psychological harm as a consequence of an incident whilst attending either pool	I. Inadequate training Lack of knowledge of council obligations and reponsibilities 3. Inadequate screening of employees, contractors and volunteers. 4. Lack of effective Child Safety controls and precautions 5. Improper supervision by parent/ or service 6. Reputational damage if parent alerts media 7. Staff morale impacted 8. Liability 9.Loss of patronage	DCCS	Major	Likely	High	21	 Safe Environment for children & Vulnerable People Policy and Procedures. All staff must complete Play by the Rules- Child protection course (online course) Current Working with Children Check kept on file. Life Saving Qualifications to a minimum level of Pool Lifeguard Skill Set (SISSS00111) Accredited Course (Royal Life Saving SA). Hazard identification, reprting and management process. Terms and conditions of entry requirements. Guidelines for Safe Pool Operations procedures Insurance Sırd Party hire form Watch around water framework 	Minor	Unlikely	Low	5	Y				#N/A	#N/A
	Corporate Services		Safe Environments for Children & Vulnerable Persons	Employing person without DHS Screenings in a prescribed position or working in a vulnerable position	1. Lack of proper screening process and reference checking	DCCS	Major	Likely	High	21	1. Compliance with statement lodged with DHS 2. Police (Fit or Work) Checks for all employees 3. Reference checks prior to employment	Minor	Possible	Medium	8	Y				#N/A	#N/A



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	TDC - Operational Risk Register																				
							INHERENT RISK					RESIDUAL RISK			ISK	Accept	Further Treatment	REVISED			
Risk ID No.	Business Unit	Risk Category	Strategic Plan	Risk name & Description	Risk Issues Identified	Risk Owner	Consequence	Likelihood	Inherent Risk Rating	Inheren Risk Ratii (Numerie	Existing Controls	Consequence	Likelihood	Current Risk Rating	Inherent Risk Rating (Numeric)	Y or N	Plan (Additional Controls)	Consequence	Likelihood	Residual Risk Rating	Inherent Risk Rating (Numeric)
	Corporate Services		for Children & Vulnerable Persons	Use of images/ material of children, young person and vulnerable people without parent/guardian consent and/or sharing information without consent	1. Inadequate training 2. Reputational damage through adverse media coverage 3. Fail to get parent/guardian consent 4. Unable to provide service to community 5. Fines & penalties 6. Criminal Prosecution	DCCS	Major	Likely	High	21	 Consent forms are completed for minors by parent/ guardian Training given to employees Working with Children Check Police (Fit for Work) Checks for all employees 	Minor	Possible	Medium	8	Y				#N/A	#N/A
	Corporate Services		Safe Environments	Employees/Voluntee rs and contractors do not understand their obligations to provide a child and vulnerable person safe environment	I. Inadequate traing and information Z. Pre employment screening not completed J. Lack of due diligence A. Not following policy & procedure S. Unable to provide service to community 6. Fines & penalties 7. Criminal Prosecution	DCCS	Major	Likely	High	21	Compliance with statement lodged with DHS Police (Fit or Work) Checks for all employees Reference checks prior to employment Checks for prescribed position	Minor	Possible	Medium	8	Y				#N/A	#N/A