

AP59 Unattended or Abandoned Children at Council Venues

Responsible Officer:	Manager, Arts Communications Tourism and Events
Document type:	Administration Policy
Reference:	AP59
Approved by:	Leadership Team
Date approved:	8 December 2017
Date of next review:	August 2018

Policy Objective

This policy is to define procedures and limitations in regard to the duty of care, discipline, supervision, parent / guardian responsibilities, Council staff responsibilities and the safety of children at Council venues. The policy applies to venues that are opened, closed and supervised by Council staff and accessed by the public.

Scope

The following venues are included under this Policy:

- Benalla Art Gallery
- Benalla Landfill and Resource Recovery Centre
- Customer Service Centre
- Sir Edward 'Weary' Dunlop Learning Centre
- Benalla Performing Arts and Convention Centre
- Visitor Information Centre

Statement of Welcome

Council staff are committed to serving the information and recreation needs of the community. All venues strive to provide a welcoming environment and provide targeted resources and programs for young people.

Background

The Council endeavors to provide a safe environment for all visitors to its venues.

This Policy has been developed to assist with providing a safe environment for children who are abandoned or unattended in a Council facility.

Beyond a general duty of care, the Council, and its staff are not required to accept responsibility for children abandoned or unattended in a Council venue and shall not be liable for any injury or damage to, or caused by, any act or omission of any child who is in a Council venue.

Council staff do not assume parental responsibilities, or supervision, for children who are in Council venues.

While Council staff, in their general duty of care, will use their best endeavors to ensure the safety of all visitors, Council venues listed under this Policy are not licensed child-minding facilities and therefore cannot provide any form of supervision of children.

Definitions

Abandon	Cease to support or look after (someone)
Abandoned Child	A child under 12 years of age (or who appears to be under that age) will in most cases be considered abandoned, if after 15 minutes, employees cannot make contact with a Responsible Person. Nominally a child of Primary School age.
Child	Means a person who is under the age of 18 years.
Officer in Charge	Venue Co-ordinator or Shift Leader.
Responsible Person	Parent / Carer / Legal Guardian who is 18 years or older and who can exercise parental control over the child/children.
Council staff	Employees of the Council.
Supervision	Children under the age of 12 must be supervised by a Responsible Person. Supervision requires that the person be within sight of the child at all times.
Unattended Child	Any young person (over the age of 12 years and under 18 years) who is not supervised by a Responsible Person. Nominally a child of Secondary College age.
Vulnerable Child	Any abandoned or unattended child who is distressed, or whose safety is at risk, or whose well-being would be endangered if they left the building.

Guidelines

Abandoned Children

A child under 12 years of age (or who appears to be under that age) will be considered abandoned, if after 15 minutes, Council staff cannot make contact with a Responsible Person.

Where a staff member observes a child that appears to have been abandoned they will advise the Officer in Charge.

The Officer-in-Charge has the authority to decide if a child is abandoned. If the Officer in Charge determines the child is abandoned the Victoria Police (the Police) will be contacted immediately.

Note: 15 minutes is only a guide. Depending on the level of risk to the child, the Officer in Charge may contact the emergency services and/or the Police sooner (e.g. a vulnerable child). The Officer in Charge will contact the Police if a child is noted to be abandoned on a regular basis.

Unattended Children

This term is usually applied to children over 12 years of age who could be in a Council facility for a variety of reasons.

Children over 12 years of age could be unattended in a Council facility for a variety of reasons: studying; relaxing; attending a workshop or movie; truancy. A Council Officer may question an unattended child to establish the reason for their attendance at the venue.

The Council Officer will evaluate the child's behaviour and may consider also the following matters, among others.

- If the safety of the child is compromised
- If the child's behaviour is of concern
- If the child needs supervision beyond the means of the employees.

If the child is not disruptive or at risk, the Council Officer can exercise their discretion and allow the child to remain in the venue.

The Council Officer will report to the Officer in Charge if they feel there is a problem; or there is a risk of any nature to the child.

The Officer-in-Charge has the authority to decide what action is to be taken if a child is: disruptive; unattended; or at risk. Depending on the level of risk, the Officer in Charge may contact a Responsible Person; or in the case of an immediate risk, the emergency services and/or the Police.

Note: Children develop and mature at different rates. While 12 years and under is determined as a child that should be supervised by a parent or carer, discretion and judgment will apply when deciding if any child is vulnerable and at risk, or old enough to be alone in a venue and/or sent out of the building.

Child Abandoned or Unattended at Closing Time

Council Officers are not responsible for the safety and well-being of children abandoned or unattended at the usual venue closing time.

A Council Officer, at their discretion, may call a Responsible Person or the Police on behalf of the abandoned or unattended child.

In that case, the employee will wait inside the Council Venue with the child until the Responsible Person or Police arrive. If the Responsible Person arrives before the Police, this Council Policy will be explained and a written copy of the policy will be provided.

If the Police do take responsibility for the child, the Police Officer who responds will be given a copy of this Council Policy to be provided to the Responsible Person.

With the exception of an emergency building evacuation, under no circumstances will Council Officers remove any child from a Council Venue, even on the request of the Police or Responsible Person.

Emergency Building Evacuation

In the event of an emergency incident Council Officers could be required to, or asked to, evacuate a Council Venue.

Council Officers will use their best efforts to have the Venue vacated by all visitors.

If during this process Council Officers identify abandoned or unattended children, the Council Officer will assist where possible and practical in their safe evacuation to the designated assembly point.

However, if this is not possible, or if the child is not cooperating in the evacuation, the Council Officer will endeavour, as a matter of priority, to inform the persons in charge, emergency services and/or Police (if on site) of the abandoned or unattended children left in the building and their location.

Once the evacuation is complete, and at the first opportune moment, Council Officers will inform the persons in charge, emergency services and/or Police (if on site) of any abandoned or unattended children still under the Council Officers' care at the designated assembly point.

Any child who is in a Council Venue without a parent or guardian present after 15 minutes, or the time designated for closing to members of the public, may be placed in the custody of a member of the Victoria Police.

Supporting Documents

- AP58 Child Safe Standards
- Australian Classification Guidelines (Department of Communications and the Arts)