



# Child Safe Policy

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## Purpose

Central Darling Shire Council (Council) is committed to keeping children and young people safe.

Council has zero tolerance of child abuse and are committed to actively contributing towards a child safe community where all children and young people are protected from harm.

This Policy has been developed in alignment with the national Child Safe Standards, state and federal legislation and outlines how Council will prioritise the safety and wellbeing of children and young people.

The Policy describes the child safe practices that Council will implement to create a culture where the safety of children and young people is promoted, child abuse is prevented, and allegations of child abuse are taken seriously and acted upon.

## Application

This policy applies to all employees, volunteers, work experience participants, agency employees, Councillors, volunteers, trainees, apprentices, contractors and subcontractors engaged by Council.

This policy also applies to lessees/licensees and hirers of Council owned or controlled facilities.

## Definitions

**Child** - A person who is under the age of eighteen (18) years as defined in the *Child Protection (Working with Children) Act 2012*

**Child Abuse** - Child abuse or neglect shall mean the following:

- Physical abuse.
- Lack of supervision.
- Lack of physical shelter/environment.
- Inadequate medical care.
- Inadequate access to education.
- Sexual abuse.
- Psychological harm.
- Relinquishing care.
- Parent/carer substance abuse.
- Parent/carer mental health.
- Parent/carer domestic violence.
- Risks to an unborn child.

**Child-Related Work** – refers to work which involves direct contact by an employee with a child or young person where that contact is a usual part of and more than incidental to the work. It also includes work that is likely to involve contact with a child or young person in connection with at least one of the 20 legislated categories of child-related work defined in the *Child Protection (Working with Children) Act 2012*. It may also include an employee who has access to confidential records or information about children or young people.

**Contracted Service Provider** – refers to an organisation or entity contracted to provide goods, services or programs involving child-related work on behalf of, or in conjunction with, Council where that entity has been engaged as a result of informal or formal procurement processes such as Request for Quotations (RFQs), Tenders, Expressions of Interests (EOIs), and one-off or standing purchase orders.

**Direct Contact** – refers to physical or face to face contact, phone and video link, and contact online.

**Disqualified Person** - A person convicted of, or subject to proceedings relating to, any offence(s) prescribed in Schedule 2 to the *Child Protection (Working with Children) Act 2012*.

**Head of Entity** – refers to the General Manager of Central Darling Shire Council

**Investigation (of Reportable Allegations and/or Conduct)** – refers to the process in which Council will:

- Gather all relevant facts
- Manage risks to children, employees, councillor and the organisation during an investigation
- Make an assessment as to whether an allegation is reportable under the reportable conduct scheme
- Notify the Office of Children's Guardian of the reportable allegation and/or conduct
- Make a finding of reportable conduct including whether an allegation is sustained or not; and
- Provide information to assist any relevant employment proceedings.

**Reportable Conduct** – refers to conduct defined in the *Children's Guardian Act 2019*, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:

- Sexual offence
- Sexual misconduct
- Ill-treatment of a child
- An assault against a child
- Failure to reduce or remove the risk of a child becoming a victim of abuse or failing to report child abuse
- Behaviour that causes significant emotional or psychological harm to a child
- An offence under section 43B or 316A of the *Crimes Act 1900*

**Risk of Significant Harm** – refers to concern(s) about a child or young person wellbeing or being subject to reportable conduct that is sufficiently serious to warrant a response by a statutory authority, irrespective of a family's consent.

**Vexatious Complaint** - Complaints that are instituted without sufficient grounds and serving only to cause annoyance.

## Provisions

Council caters for the needs of children and young people by providing parks and playgrounds, recreation facilities, community halls, cycle paths and skate facilities.

Council also provides a diverse range of services, which may be used by children and young people including community programs and facilities, delivering community events, contracting services through external operators, and providing funding to support community organisations through its grant and sponsorship programs.

Council is committed to:

1. Building a culture of child safety within its organisation and communities by embedding the NSW Child Safe Standards into practice through continuous improvement processes.
2. Meeting its responsibilities to ensure the safety and welfare of children, and taking reasonable measures to prevent abuse of children in line with child safety and protection legislation, including:
  - a) Ensuring all employees and contracted service providers required to work with or participate in the delivery of services and programs for, children and young people, have the appropriate NSW Working with Children Checks.
  - b) Ensuring Council maintains rigorous and consistent recruitment, screening and selection processes.
  - c) The provision of regular child safety training and inductions that ensure all Council employees are aware of their legal responsibilities and are confident in reporting known, suspected or alleged child abuse, misconduct or inappropriate behaviour.
  - d) Actively promoting safety and working towards reducing all environmental and situational risk factors that lead to risk of children and young people being harmed, by ensuring appropriate child safe risk management plans and systems are in place.
3. Timely reporting and investigation of allegations of possible abuse, harm or neglect of a child ensuring allegations are:
  - a) Treated with sensitivity, having regard to the privacy of individuals and their families.
  - b) Investigated in an efficient and equitable manner.
  - c) Promptly notified to the appropriate government authority.
4. Storing and maintaining records in line with relevant child safety and protection legislation.

## Child Safe Standards

Council fully supports and adopts the ten child safe standards identified by the Royal Commission into Institutional Responses into Child Sexual Abuse. The ten standards will be progressively adopted and implemented across Council's policies, procedures and practices.

1. Child safety is embedded in institutional leadership, governance and culture.
2. Children participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved.
4. Equity is upheld and diverse needs are considered and implemented.

5. People working with children are suitable and supported.
6. Processes to respond to complaints of child sexual abuse are child focused.
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
8. Physical and online environments minimise the opportunity for abuse to occur.
9. Implementation of the Child Safe Standards is continuously reviewed and improved.
10. Policies and procedures document how the institution is child safe.

## Child Related Work

Council is committed to meet its legal obligations in ensuring that people engaged in a child related role have a valid NSW Working With Children Check.

A Working with Children Check is required for all child-related work identified in the ***Employee Verification Check Procedure***.

Council's recruitment and selection processes for child related roles requires a Working with Children Check, National Police Clearance and reference checks.

The Human Resource Officer together with the General Manager are responsible for:

- ensuring working with children checks have been carried out for designated roles before hiring a prospective employee, and
- not continuing to employ, in child-related work, a person that has been identified as disqualified from the check.

A person will not continue to be employed in child-related roles, where they have:

- been identified as disqualified/barred as a result of failing to qualify for a NSW Working with Children Check renewal;
- an expired NSW Working with Children Check; or
- failed to provide proof of a current NSW Working with Children Check application or clearance within legislated timeframes i.e., upon turning 18 years of age.

## Contracted Service Provider

Council has lease, licence and service agreements with a several of commercial sporting/recreational organisations and/or community organisations that provide services for the benefit of the community.

Council also provides grant funding to a range of organisations that use this funding to deliver programs and services.

Where any relevant contractual agreements include the delivery of child-related work on behalf of, or in conjunction with Council, the agreement must contain clauses outlining the organisation's responsibilities under all applicable child safety and protection legislation and Council's child safe policies.

Performance measures, compliance, monitoring and reporting systems related to child safety will be established in relevant agreements and through contract management processes.

Further guidance is contained in Council's **Child Safe Procedures**.

## Training and Support

Training and induction are important to ensure that all Council employees understand that the safety of children and young people is the responsibility of everyone.

Council employees will be provided with appropriate training and support to ensure that they understand Council's commitment and obligations to the safety of children and young people.

Council's aim is that all Council employees feel confident in knowing how to identify risks of harm to children and young people and know how to report allegations.

## Risk Management Plans

Child safe risk management plans identifying risks to children and young people and implementing controls to mitigate these risks is an essential factor in keeping children and young people safe. Child safe risk management plans will document how the safety and welfare of children and young people participating in events, programs and services delivered by Council are managed.

Child Safe Risk Management Plans will be required for:

- a) Each individual Council owned and staffed facility where children and young people are expected to attend or be present.
- b) Each event, program or service provided by Council employees delivered outside of a staffed Council facility, where children and young people are expected to attend or be present.

## Complaints Reporting and Management

Information outlining how a child, parent or family member, or community member can make a complaint will be provided on Council's website.

All Council employees are required to comply with legal requirements and adopted procedures and report known, suspected or alleged child abuse, misconduct or inappropriate behaviour.

Requirements and processes are outlined in the **Identifying, Reporting and Investigating Child Safety Concerns Procedure**

If an allegation of abuse, inappropriate behaviour, misconduct, or a safety concern is raised, Council will:

- a) Ensure that processes for responding to alleged abuse and misconduct are confidential, fair, unbiased and focus on child safety.
- b) In the event that a Council employee poses a serious risk of abusing a child or young person, remove or reduce the risk to the child and young person.
- c) Provide reports and/or progress updates to the relevant authorities and where appropriate people involved in any incident.
- d) Provide support or make referrals for support to alleged victims, their families and affected Council employees, such as helping them understand their rights and the process that will be followed in responding to allegations of reportable conduct, and assistance in accessing counselling or other support as required.
- e) Undertake timely reviews of the Child Safe Policy, associated procedures and other related documentation following an incident to help drive continuous improvement.

## **Unsubstantiated Reports**

Where a report is clearly wrong or unsubstantiated, the Council employee who is the subject of the allegation will be supported by Council. The nature of the support will be reasonable and appropriate subject to the circumstances of the case. It may include access to specialist counselling services, legal services or special leave.

Any Council employee who is found to have made a vexatious complaint will be subject to disciplinary action.

## **Privacy and Confidentiality**

All Council employees involved in the reporting or investigating of allegations of child abuse are required to be mindful of the sensitive nature of the issue and take all reasonable steps to maintain confidentiality and respect the privacy of those involved. Nothing in this statement is to be taken as mitigating against the obligation of Council employees to report incidents or allegations of child abuse.

Privacy and confidentiality will be maintained for all records and information concerning child safety matters. Any personal information considered during the process of reporting or investigating reportable conduct or any allegation will be collected and managed in accordance with the provisions set out in the *Privacy and Personal Information Protection Act 1998*.

Personal information will only be disclosed if there is a legislative requirement for disclosure. All child safety information and records will be stored in accordance with the child safety and protection legislation requirements.

## **Record Keeping**

Council shall retain all records relating to a report, regardless of whether or not the allegation was proven, and regardless of any requirement for disposal of the record that may exist elsewhere.

## **Responsibilities**

### **General Manager**

As the Head of Entity under the legislation, the General Manager is responsible for:

- a) Ensuring appropriate systems, processes, policies and procedures are in place to prevent, detect and respond to abuse of children and young people.
- b) Notifying the NSW Office of the Children's Guardian when an allegation (of which they are aware) of child abuse is made against a Council employee or contracted service provider.

### **Directors, Managers and Supervisors**

Directors, Managers and Supervisors are responsible for:

- a) Promoting and ensuring compliance with child protection legislation, policies and associated procedures.

- b) Reporting any allegations of child abuse to the General Manager and/or Human Resources Officer.
- c) Respecting the rights of the parties involved.

### Identified Child Related Roles

People who are required to hold a NSW Working with Child Check are responsible for:

- a) Holding and maintaining a current NSW Working with Children Check (and that it is renewed before its expiry date).
- b) Updating their contact details with the NSW Office of the Children's Guardian within three (3) months of moving or changing their name.
- c) Immediately informing their supervisor and the Human Resources Officer if they ever become a disqualified/barred person, or if the status of their NSW Working with Children Check changes.

### Employees

All employees, irrespective of position title or role, are responsible for:

- a) Understanding and complying with child protection legislation, policies and associated procedures.
- b) Notifying their supervisor and/or the Human Resources Officer immediately if they witness a child abuse incident, or someone discloses a situation of child abuse to them.

### Human Resources Officer

The Human Resource Officer is responsible for:

- a) Reviewing and updating Council's child safe policies, procedures and other related documentation ensuring they comply with relevant legislation and regulations.
- b) Administering processes to ensure all employees undertaking child-related work have a current NSW Working with Children Check clearance.
- c) Ensuring systems and processes are being complied with for detecting and responding to reports of child safety concerns.
- d) Providing advice, training and support to all employees.
- e) Ensure recruitment, screening and selection practices are conducted in accordance Council's **Recruitment and Selection Policy and Procedure**.
- f) Ensuring accurate records are stored and maintained in a secure location and line up with relevant child safety and protection legislation.
- g) Providing ongoing support and response to concerns about the safety, welfare and well-being of children and young people while engaged in services, programs or events delivered by Council.
- h) Notify the NSW Office of the Children's Guardian when an allegation (of which they are aware) of child abuse is made against a Council employee or contracted service provider.



### **WHS/Risk Officer**

The WHS/Risk Officer is responsible for:

- a) Developing, monitoring and reviewing appropriate risk assessments and management plans with key stakeholders.

### **Failure to Comply**

A failure to comply with this Policy and associated procedures will be managed in accordance with discipline procedures under the NSW Local Government (State) Award 2020 (as amended), except where summary dismissal is required.

### **Legislation**

- *Anti-Discrimination Act 1977*
- *Child Protection (Offenders Registration) Act 2000*
- *Child Protection (Working with Children) Act 2012*
- *Child Protection (Working with Children) Regulation 2013*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Children's Guardian Act 2019*
- *Children's Guardian Amendment (Child Safe Scheme) Bill 2021*
- *Civil Liability Amendment (Organisational Child Abuse Liability) Act 2018*
- *Crimes Act 1900*
- *Disability Inclusion act 2014*
- *Government Information (Public Access) (GIPA) Act 2009*
- *Industrial Relations Act 1996*
- *Local Government Act 1993*
- *Local Government (State) Award 2020 (as amended)*
- *Privacy and Personal Information Protection Act 1998*
- *NSW Child Safe Standards*
- *NSW Children (Education and Care Services National Law Application) Act 2010*
- *State Records Act 1998*
- *United Nations Convention on the Rights of the Child (1990)*

### **Related Documents**

- Code of Conduct
- Child Safe Reporting and Complaint Management Policy
- Recruitment and Selection Policy
- Recruitment and Selection Procedure
- Employee Verification Check Procedure
- Work Health & Safety Policy
- Respectful Workplace Behaviours Policy
- Public Interest Disclosures Policy

### **Monitoring and Review**

This policy will be monitored and reviewed by the General Manager to ensure compliance. Once adopted, it remains in force until it is reviewed by the General Manager. It is to be reviewed approximately every two (2) years to ensure that it meets requirements, or sooner if the General Manager determines appropriate.