

# Child Protection Policy

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| Responsible Manager (Title)        | Director Corporate and Governance                                 |                          |                         |
| Adopted by Council                 | Date: 23 August 2022  | Minute Number: 07.22.174 |                         |
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| Document(s) this policy Supersedes | N/A; New Policy as per recent legislation                         |                          |                         |
| Community Plan Linkage             | Leadership – We will have an effective and efficient organisation |                          |                         |

## 1 Purpose

The purpose of this policy is:

- To ensure that Council is compliant with NSW child protection legislation, including mandatory reporting, recruitment and selection and responding to allegations against staff involving children and young people.
- To articulate the professional and legal obligations of council staff in relation to child protection.
- To ensure council implements procedures for the prompt and confidential response to all allegations against Council staff, volunteers, students, and persons undertaking work experience and contractors/suppliers where a child or young person is involved.
- To promote the health, safety, welfare and wellbeing of children and young people.
- To ensure that Council provides a safe environment for children and young people whilst on Council premises and utilising Council services.
- To ensure that Council is implementing best practice approaches to child protection and child safe standards, and in this regard is responding to recommendations from the *Royal Commission into Institutional Response to Child Sexual Abuse 2017*, that affect local government.

## 2 Definitions

**Abuse:** a term that is used to describe different types of harm or maltreatment. In this document it refers to types of harm or maltreatment that children and young people experience.

**Allegations:** A reportable allegation is that an employee has engaged in conduct that may be reportable

**Child:** refers to a person who is under the age of 16 years.

**Child Safe Organisation:** An organisation in which child safety is embedded in planning, policy and practices and where the voices of children and young people are valued and actioned.

**FaCS:** Family and Community Services. FaCS is the NSW Government agency responsible for the care and protection of children and young people.

**Mandatory Reporters:** People who deliver services, wholly or partly, to children as part of their paid or professional work. This is regulated by the *Children and Young Persons (Care and Protection) act 1998*.

**MRG:** Mandatory Reporter Guide. The MRG is a decision-making tool to assist Mandatory Reporters to help determine how the suspected risk of significant harm of a child or young person is reported

**Public Officer:** Director Corporate and Governance

**Risk of Significant Harm:** Concern/s about a child or young person that is sufficiently serious to warrant a response by statutory authority irrespective of a family's consent. It is something that is not minor or trivial and that may be reasonably expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare, or wellbeing. In addition, it can result from a single act or omission or an accumulation of these. Risks of significant harm is the NSW threshold to report child protection concerns to FaCS via the Child Protection Helpline.

**WWCC:** Working with Children's Check. The WWCC is a requirement for anyone who works or volunteers in child-related work in NSW.

**Young Person:** A young person can be defined in a variety of ways depending on the context. For the purpose of this Policy a young person is a person who is over the age of 16 years but under the age of 18 years.

### 3 Background/legislative requirements

- Advocate for Children and Young People Act 2014
- Child Protection (Offenders Prohibition Orders) Act 2004
- Child Protection (Offender 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 and Young Persons (Care and Protection) Regulation 2012
- Commission and Children and Young People Act 1998
- Community Welfare Act 1987
- Crimes Act 1900
- Crimes (Domestic and Personal Violence) Act 2007
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2012
- Government Information (Public Access) Act 2009
- Ombudsman Act 1974
- Young Offenders Act 1997

### 4 Scope

This policy applies to all council staff, councillors, contractors and sub contractors, work experience participants, volunteers, students on placement.

### 5 Policy statement

This policy reflects Council's commitment to:

The Office of the Children's Guardian's *Principles for Child-Safe Organisations* (2017):

1. Principle 1: The organisation focuses on what is best for children.
2. Principle 2: All children are respected and treated fairly.
3. Principle 3: Children's families and communities are welcomed and encouraged to participate in the organisation.
4. Principle 4: Children receive services from skilled and caring adults.

The *Child Safe Standards* identified by the Royal Commission (2017):

5. Child safety is embedded in institutional leadership, governance, and culture.
6. Children participate in decisions affecting them and are taken seriously.
7. Families and communities are informed and involved.
8. Equity is upheld and diverse needs are taken into account.
9. People working with children are suitable and supported.
10. Processes to respond to complaints of child sexual abuse are child focused.
11. Staff are equipped with the knowledge, skills, and awareness to keep children safe through continual education and training.
12. Physical and online environments minimise the opportunity for abuse to occur.
13. Implementation of the child safe standards is continuously reviewed and improved.
14. Policies and procedures documents how the institution is child safe.

Council is committed to fulfilling its duty of care by endeavouring to ensure that all council staff, councillors, contractors and sub contractors, work experience participants, volunteers, students on placement act in the best interest of a child and take all reasonable steps to ensure a child's safety.

Council will ensure all staff, volunteers and contractors engaged in a child related role has a valid WWCC (Working with Children Check) clearance number as per the child protection act.

Council supports children and young people having safe and happy experiences within our community, accessing our facilities and in the care of our services.

Council maintains the active participation of children and young people in the organisation by involving them in decision making, particularly in matters that directly impact them.

All staff, volunteers, students, and persons undertaking work experience, contractors and suppliers must uphold and promote safety and wellbeing for children and young people and respond appropriately where concerns are identified.

Council is committed to the ongoing education of children, young people and families, staff, volunteers, contractors and key stakeholders about their rights, responsibilities and reporting processes relating to child protection.

## **6 Implementation**

Council has put into practice several measures to ensure we are providing a safe environment for children and young people. This includes the process related to policy adherence, risk, recruitment, communications and council response to issue and complaints.

Implementation of this policy will be overseen by the Organisational Development Section and will be implemented by the People and Culture Team along with representatives across the organisation – including the Libraries, Art Gallery, Council’s Education Officers and Community Engagement as well as other sections within Council where child-related work may arise.

## 7 Requirements

- **Mandatory Reporting risk of significant harm:** Where there are concerns that a child or young person is suspected to be at risk of significant harm, staff who are ‘mandatory reporters’ are required to report these concerns to the family and community services (FaCS) Child Protection Helpline. The Mandatory Reporter Guide (MRG) is used to help determine when and what should be reported. Staff who are not mandatory reporters, as well as members of the community, can also report the suspected risk of significant harm to the FaCS Child Protection Helpline. The FaCS Child Protection Helpline receives reports via either telephone or via eReporting. Mandatory reporting is outlined in the *Children and young Persons (Care and Protection) Act 1998*.
- **Selection and Recruitment:** Council will meet legal requirements to ensure that only people with valid Working with Children Checks (WWCC) are engaged in child-related work. People and Culture manage all selections and recruitment related WWCC. This is in line with the *Child Protection (Working with Children) Act 2012* and the *Child Protection (Working with Children) Regulation 2013*.
- **Allegations against staff:** Complaints and allegations against staff, elected members, contractors and sub-contractors, work experience participants, volunteers, students on placement involving a child or young person will be handled in accordance with the relevant legislation, specifically Part 3A of the Ombudsman Act 1974 (NSW). This mandates a specific approach to the handling and reporting of complaints about staff involving a child or young person. All allegations in relation to staff involving an individual under the age of 18 years will be immediately reported to the Internal Ombudsman Shared Service, who will in turn investigate and report the matter to the relevant oversight agency in accordance with Council’s reporting obligations.
- **Child-Safe Organisation:** Council upholds and promotes the safety and wellbeing of children and young people in our community. This involves implementing best practice approaches to child protection. Council adopts the *Royal Commission Final Report Recommendations (2017)* relevant to Local Government including the Child Safe Standards. Council’s Organisational Development Section collaborates on the identification, implementation and creation of policies, procedures and actions that enables Council to meet its objectives as a Child-Safe Organisation.

## 8 Roles and Responsibilities

### Council

Publicly commits to child safety and embeds a child safe culture.

### **General Manager**

The General Manager is responsible for ensuring that Council fulfills its responding and reporting obligations and to notify the Office of the Children's Guardian (NSW) when an allegation of child abuse is made against a Councillor, employee, volunteer or contractor.

### **Directors/Managers**

Directors/Managers are responsible to ensure all employees, contractors and volunteers are informed, resourced and supported to understand their role in providing a child safe environment.

### **Child Protection Officer**

Council's Public Officer has been appointed as the Child Protection Officer and their responsibilities are:

- provide ongoing support and response to concerns about the safety and wellbeing of children while engaged in services, programs or events delivered by council.
- to notify the Office of the Children's Guardian (NSW) when an allegation (of which they are aware) of child abuse is made against a Councillor, employee, volunteer or contractor.

### **Council employees, contractors and volunteers**

Employees, contractors and volunteers shall adhere to the requirements of this policy, reportable conduct and responding and reporting obligations and be able to demonstrate their awareness of their child safety responsibilities. Employees and Councillors are also to be aware of their obligations relating to Child Protection outlined in Section 3 of the Council Code of Conduct. All staff should be aware that the appointment by Council of a Child Protection Officer does not remove mandatory reporting obligations that other Officers of Council may have under s27 of the Children and Young Persons (Care and Protection) Act 1998. All staff shall adhere to their responding and reporting and reportable conduct obligations and take action when a child or young person is at risk of significant harm.

## **9 Complaints Management**

Complaints and allegations concerning the welfare, safety, and wellbeing of children against Council workers will be managed according to Council's Complaint Management Policy.

All complaints should be reported immediately, this includes:

- Disclosure of abuse
- Inappropriate behaviour around children
- Suspicion of abuse or harm to a child