

# Child Safety Policy

## Leadership

**An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities**

<b>Document Type</b>	Council Policy
<b>Document Reference No.</b>	2021/007
<b>Version No.</b>	1.0
<b>Council File Reference</b>	Policy – Organisation Wide Policies (CMGT)
<b>Adoption Date</b>	9 June 2021
<b>Resolution Number</b>	MN 168/21
<b>Document Owner</b>	Group Manager Organisational Development
<b>Responsible Branch</b>	Organisational Development
<b>Responsible Business Unit</b>	Human Resources
<b>Review Schedule</b>	Four years
<b>Review Date</b>	9 June 2025



## Table of Contents

1. Objectives.....	3
2. Policy Statement .....	3
3. Scope.....	4
4. Responsibilities.....	5
4.1 Councillors.....	5
4.2 General Manager .....	5
4.3 Executive .....	5
4.4 Group Manager Organisational Development.....	5
4.5 Group Managers and Managers .....	5
4.6 Council staff.....	5
5. Performance Measures.....	5
6. Definitions .....	6
7. Related Material.....	7
7.1 Related Legislation .....	7
7.2 Related Procedures and General Manager Practice Notes.....	7
8. Non-compliance with this Policy.....	7
9. Document Control.....	7
9.1 Version Control .....	7
10. Attachments.....	7



## 1. Objectives

The objectives of this Policy are to:

- Keep children and young people safe when they are interacting or involved with Wingecarribee Shire Council (Council) where the paramount consideration is the safety, welfare and wellbeing of children and young people.
- Demonstrate Council's commitment to being a Child Safe Organisation where child safety is embedded in planning, policy and practices, and where the voices of children and young people are valued and actioned.
- Adopt the Royal Commission's ten Child Safe Standards as the framework for Council's procedures and decision-making regarding interactions and involvement with children and young people.
- Ensure Council is compliant with NSW child protection legislation, including recruitment and selection, reportable conduct, mandatory reporting, information sharing and staff training.

## 2. Policy Statement

Council is committed to providing a safe and positive environment for children and young people while they are on Council premises and using Council services.

Council strives to provide safe and high-quality facilities, programs, activities and services to children and young people, including family day care, out of school hours care, vacation care, and facilities such as parks and playgrounds, swimming pools and libraries.

This Policy reflects Council's commitment to the Child Safe Standards identified by the Royal Commission:

1. Child safety is embedded in organisational 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 taken in to account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child 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 organisation is child safe

Council is committed to meeting its responsibilities to ensure the safety and welfare of children and young people, and taking reasonable measures to prevent abuse of children and young people in line with child safety and protection legislation, including:

### A. 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. The WWCC is an essential part of Council's recruitment process to prevent people who pose a risk to the safety of a child or young person from being employed or engaged in child-related work. Council's Organisational Development branch



manages all selection and recruitment related WWCC. This occurs in line with the *Child Protection (Working with Children) Act 2012* and the *Child Protection (Working with Children) Regulation 2013*.

**B. Reportable conduct**

Allegations or convictions of reportable conduct involving a child or young person against employees, Councillors, volunteers who provide services to children or young people, or certain contractors who provide services to children or young people will be handled in accordance with the relevant legislation, specifically the *Children's Guardian Act 2019*. Such reportable conduct must be immediately reported to the General Manager through Council's Child Safety Officer. The General Manager, or an authorised delegate appointed by the General Manager, will carry out an investigation in a timely manner. The General Manager must notify the NSW Office of the Children's Guardian within seven days and meet reporting obligations within 30 days under the *Children's Guardian Act 2019*. If the reportable conduct relates to the General Manager, Council's Child Safety Officer must report to the NSW Office of Children's Guardian.

**C. 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 NSW Department of Communities and Justice (DCJ) Child Protection Helpline. The electronic Mandatory Reporter Guide provided by the NSW Government via the ChildStory Reporter website 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 DCJ Child Protection Helpline. The DCJ Child Protection Helpline receives reports via either telephone (132 111) or, for staff who are mandatory reporters, via eReporting through the ChildStory Reporter website. Mandatory reporting obligations are outlined in the *Children and Young Persons (Care and Protection) Act 1998*.

**D. Information sharing**

Council will store, maintain and share records in line with the *State Records Act 1998* and relevant child safety and protection legislation, in particular Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*.

**E. Staff training**

Council will provide ongoing training in child safety and protection for educators and staff who work in Children's Services, as well as staff and volunteers in other areas of Council that provide direct services to children and young people. Child safety training and inductions will also be provided to all staff to ensure staff are aware of their legal responsibilities and are confident to identify, respond to and report child abuse.

### 3. Scope

This Policy applies to all employees of Council, Councillors, contractors and sub-contractors, work experience participants, volunteers, students on placement, Family Day Care educators and educator assistants and adults that live in their home, facility hirers and leasees, as well as any other individuals that the relevant child safety and protection legislation applies to.



## 4. Responsibilities

Responsibilities for the implementation of this Policy are shared as follows.

### 4.1 Councillors

Councillors shall:

- provide leadership in adhering to the requirements of this Policy.

### 4.2 General Manager

When dealing with reportable conduct, the General Manager shall:

- complete a 7-day notification form and submit it to the NSW Office of the Children's Guardian;
- investigate the reportable allegation or conviction in a timely manner; and
- within 30 days of becoming aware of the reportable conduct, provide further information to the NSW Office of the Children's Guardian.

### 4.3 Executive

The Executive shall:

- lead staff (either directly or through delegated authority) in their understanding of and compliance with this Policy and related documents.

### 4.4 Group Manager Organisational Development

The Group Manager Organisational Development shall:

- provide guidance to Councillors, Executive and other Council staff as to the content and implementation of this Policy;
- ensure the timely review of this Policy; and
- conduct investigations into alleged non-compliance with this Policy.

### 4.5 Group Managers and Managers

Group Manager and Managers shall:

- provide guidance to Council staff within their respective branches as to the content and implementation of this Policy, seeking guidance from the policy owner as required.

### 4.6 Council staff

Council staff shall:

- adhere to this Policy and the responsibilities set out in related documents.

## 5. Performance Measures

The success of this Policy will be measured by:

- All individuals engaged by Council to undertake child-related work have a valid WWCC.
- Allegations or convictions of reportable conduct are reported in accordance with the *Children's Guardian Act 2019*.

- Mandatory reporting of the risk of significant harm to a child or young person is made in accordance with the *Children and Young Persons (Care and Protection) Act 1998*.

## 6. Definitions

<b>Abuse</b>	A term used to refer to different types of harm or maltreatment. In this Policy, it refers to types of harm or maltreatment that children or young people experience including physical harm, sexual assault, exposure to domestic violence, psychological harm and prenatal risks
<b>Child</b>	A person who is under the age of 16 years
<b>Child-related work</b>	Work which involves direct contact by the worker 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. It may also include a worker who has access to confidential records or information about children or young people.
<b>DCJ</b>	NSW Department of Communities and Justice
<b>Mandatory Reporter</b>	People who deliver services, wholly or partly, to children or young people as part of their paid or professional work
<b>Risk of significant harm</b>	Concern/s about a child or young person that are sufficiently serious to warrant a response by a statutory authority, irrespective of a family's consent
<b>Reportable Conduct</b>	Section 20 of the <i>Children's Guardian Act 2019</i> defines reportable conduct as the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded— (a) a sexual offence (committed against, with or in the presence of a child or young person), (b) sexual misconduct (with, towards or in the presence of a child or young person), (c) ill-treatment of a child (or young person), (d) neglect of a child (or young person), (e) an assault against a child (or young person), (f) an offence under section 43B or 316A of the Crimes Act 1900, (g) behaviour that causes significant emotional or psychological harm to a child (or young person).
<b>Royal Commission</b>	Refers to the Royal Commission into Institutional Responses to Child Sexual Abuse (2017)
<b>WWCC</b>	Working with Children Check

**Young person** For the purpose of this Policy, a young person is a person who is aged 16 years or above but who is under 18 years

## 7. Related Material

### 7.1 Related Legislation

The following legislative materials are related to this Policy:

- *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*
- *Crimes Act 1900*
- *Education & Care Services National Law Act 2010*
- *Education & Care Services National Regulations 2011*
- *Ombudsman Act 1974*
- *State Records Act 1998*

### 7.2 Related Procedures and General Manager Practice Notes

The following general manager practice note and procedures are related to this Policy:

- Child Protection General Manager Practice Note
- Child Protection Procedure
- Child Safety – Reportable Conduct Procedure

## 8. Non-compliance with this Policy

Non-compliance with this Policy should be reported to the Group Manager Corporate and Community who will investigate and determine the appropriate course of action.

## 9. Document Control

### 9.1 Version Control

Version	Adoption Date	Notes
1.0	9 June 2021	Initial adoption of document

## 10. Attachments

There are no attachments to this Policy.

**Approved by:**

**WINGECARRIBEE SHIRE COUNCIL**

9 June 2021