



Attachment 1 to Item 4.3.3

Draft Child Safe Policy

Date of meeting: 11 July 2023
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Child Safe Policy

DRAFT COUNCIL POLICY

Division:	City Planning	Policy Number:	
Branch:	Community Planning and Partnerships	Adopted Date:	
Responsible Officer:	Manager Community Planning & Partnerships	Next Review Date:	
Director:	Director City Planning	Version:	1



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1. TITLE

Child Safe Policy

Our commitment to child safety

Keeping children and young people safe is a shared responsibility at Hawkesbury City Council. We actively promote a safeguarding culture and seek to create environments across our organisation where all children can feel welcomed, valued, and safe.

We value and support diversity and inclusion and recognise that children come from different backgrounds and have different needs. We believe that all children regardless of their age, gender identity, sexual orientation, ethnicity, religious beliefs, ability, and family background have the right to be protected from harm and to be treated with dignity and respect.

We have 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.

2. PURPOSE

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.

It informs all staff of their obligations to act ethically towards children and young people and gives guidance on the processes and procedures necessary to ensure child safety and wellbeing across all areas of Council's work.

Supporting this document are other policies, procedures and codes of conduct as listed in Section 8. RELATED DOCUMENTS, that aim to identify and prevent behaviour that may be harmful to children and young people. These supporting documents have been developed to guide appropriate behaviour and encourage all staff, both paid and volunteer, to create, maintain and improve a child safe environment.

3. SCOPE

This Policy applies to all Council employees, volunteers, students, and Councillors, and to their conduct both within and outside of work, irrespective of whether they work with or have direct contact with children or young people.

Third parties engaged by Council, such as contractors, are also required to comply with this policy as part of their contractual agreements with Council – with the exception of items pertaining to the Reportable Conduct Scheme, as individuals employed by contracted organisations are not considered Council employees under the Scheme.

This Policy also applies to all environments where Council undertakes business activities; physical, online, onsite, off-site, wherever children and young people are participating in Council activities, programs, events, and services.

4. BACKGROUND

In 2017 the Royal Commission into Institutional Responses to Child Sexual Assault handed down their Final Report. Recommendation 6.12 stipulates that certain organisations, including all Councils will be required to implement the 10 Child Safe Standards and become Child safe organisations.

The Child Safe Standards are:

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 diversity is taken into 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.

5. POLICY DETAILS

Training

To ensure Council maintains a child safe culture employees, students, volunteers, contractors, and Councillors will be informed, resourced, and supported to understand their role in providing a safe environment for children.

Council will provide appropriate induction and ongoing training for employees, students, volunteers, contractors, and Councillors to:

- a) understand child safe policies and procedures
- b) identify signs of harm
- c) raise awareness of child abuse and mandatory reporting
- d) raise awareness of appropriate/inappropriate behaviour
- e) understand the requirements and process for mandatory reporting and handling complaints and/or allegations
- f) ensure understanding of the requirements of a child safe environment
- g) develop practical skills in protecting children and responding to disclosures.

Recruitment and Selection

Council will ensure all Council employees, students, volunteers, and contractors who have direct contact work with children have a current Working with Children Check (WWCC) and that there is an appropriate screening process for Council employees, students, volunteers, and contractors. These may include interview guides, behavioural based interview, advertisements, and selection criteria which clearly demonstrate our commitment to child safety.

Manager Governance and Wellbeing and Safety Officer

Council has two established positions with the following objectives related to Child Safety:

1. Manager Governance
 - to ensure that reportable incidents, staff who report incidents and Council's obligations under this Policy and legislation are managed effectively and efficiently
 - to be focused on management and compliance of reported incidents relating to child safety.
 - action findings from child safety reviews or investigations and facilitate changes to Council's Policy where appropriate
2. Wellbeing and Safety Officer
 - to ensure that Council is a child safe organisation and oversee initiatives to reinforce that child safety is of paramount importance to Council



Reporting

All incidents or allegations of child abuse must be reported to the General Manager and the Manager Governance. Council must immediately take the appropriate steps to assess and minimise any further risk or harm. Allegations or incidents can be reported by children or young people, families, Council employees, students, volunteers, contractors, or Councillors.

A reportable allegation is made where a child, young person or adult makes an allegation, based on a reasonable belief, that a Council employee, student, volunteer, contractor, or Councillor has been involved in the abuse of a child or young person.

Council will support any relevant authorities' investigations into any concerns about children and/or allegations of exploitation or abuse towards children. While investigations are being conducted Council will ensure child protection measures continue to be in place. In consultation with police and other authorities, and subject to their approval, Council will conduct its own inquiries in order to identify opportunities for child safe practice improvements.

Mandatory Reporters

Mandatory reporters are required by law to report suspected child abuse and neglect to the NSW Department of Communities and Justice.

Mandatory Reporters are people who deliver the following services, partly or wholly, to children as part of their professional work or other paid employment and those in management positions in these services:

- a) Health care – registered medical practitioners, specialists, enrolled and registered nurses, registered midwives, occupational therapists, speech pathologists, psychologists, dentists, and other allied health professionals working in sole practice or in public or private health practices;
- b) Welfare – social workers, caseworkers, and youth workers;
- c) Education – teachers, counsellors, principals;
- d) Children's services – childcare workers, family day care carers and home-based carers;
- e) Residential services – refuge workers, community housing providers;
- f) Law enforcement – police;
- g) Disability services.
- h) A person in religious ministry or a person providing religion-based activities to children
- i) Registered psychologists

In NSW, mandatory reporting is regulated by the *Children and Young Persons (Care and Protection) Act 1998*, and mandatory reporters are guided by the Mandatory Reporter Guide (MRG).

When a role within Council is identified as a mandatory reporter, this will be designated in the position description.

Privacy and Confidentiality

Council will respect the privacy of all individuals, whether they are Council employees, students, volunteers, contractors, or Councillors. All personal information considered during the process of reporting or investigation will be collected and managed in accordance with Council's Privacy Management Plan.

Personal information will only be disclosed to another party if there is a legislative requirement for such a disclosure.

Child Safety – Professional Behaviours

Council employees, students, volunteers, contractors, and Councillors undertaking business with or on behalf of Council that involves working with or contacting children are expected to adhere to the following behaviour while they perform those duties:



- a) treat all children with respect
- b) do not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- c) do not engage children or young people in any form of sexual activity
- d) wherever possible ensure another adult is present when working near children
- e) do not invite unaccompanied children into private residences
- f) never use any computers, mobile phones, video cameras, cameras, or social media to exploit or harass children, or access child exploitation material through any medium
- g) do not use physical punishment on children
- h) comply with all relevant Australian and NSW legislation.

Photographing or Filming a Child or Children for Work Related Purposes

When photographing or filming a child or children for work related purposes:

- 1. Obtain informed consent from the child whenever possible and parent or guardian of the child before photographing or filming a child. An explanation of how the photograph or film will be used must be provided;
- 2. Ensure photographs, films, videos present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
- 3. Ensure images are honest representation of the context and the facts.
- 4. Ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.

6. ROLES AND RESPONSIBILITY

Authorised Officer	Roles and Responsibilities
Councillors	<ul style="list-style-type: none"> • Publicly commit to child safety and embeds a child safe culture.
General Manager	<ul style="list-style-type: none"> • Receives notification of all child safe incident reports. • Ensures Council fulfills its obligations of responding to and reporting allegations of child abuse to the Office of the Children’s Guardian (NSW). • Ensures Council meets its obligations under the Reportable Conduct Scheme. • Ensures reports of misconduct are investigated. • Conduct a review of this Policy within 12 months of adoption, and every two years thereafter.
General Manager and Directors	<ul style="list-style-type: none"> • Develop and promote Council statement and public commitment to child safety and wellbeing. • Drive a child safe culture across Council. • Model and reinforce attitudes that value children.
Managers and Supervisors	<ul style="list-style-type: none"> • Promote the safety and wellbeing of children at all times. • Assess the risk of child harm within areas of responsibility and apply measures to mitigate identified risk. • Advise staff of the procedure to follow when there is a reasonable belief that a child’s safety is at risk.



Authorised Officer	Roles and Responsibilities
	<ul style="list-style-type: none"> • Escalate child safety concerns to supervisors to consider reporting to the relevant authorities. • Ensure compliance with this policy and that all employees, contractors and volunteers are informed, resourced, and supported to understand their role in providing a child safe environment. • Ensure that all staff are aware of relevant laws, organisational policies and procedures relating to child safety and wellbeing.
Manager People and Development	<ul style="list-style-type: none"> • Assist the General Manager to deal with and investigate complaints of breaches of the Child Safe Code of Conduct. • Ensure that reportable incidents, staff who report incidents and Council's obligations under this Policy and legislation are managed effectively and efficiently. • Ensure staff who work with children meet suitability requirements. • Program a suite of education and training to staff regarding child safe practices and Code of Conduct. • Provide support and training for staff (paid and unpaid) in undertaking child safety obligations.
Manager Governance	<ul style="list-style-type: none"> • Assist the General Manager to deal with and investigate complaints of breaches of the Child Safe Code of Conduct. • Ensure that reportable incidents, staff who report incidents and Council's obligations under this Policy and legislation are managed effectively and efficiently. • Ensure that Council is a child safe organisation through the reinforcement of child safe Policy, procedure and practices. • Action findings from child safety reviews or investigations and facilitate changes to Council's Policy where appropriate.
Staff, volunteers and Councillors	<ul style="list-style-type: none"> • Adhere to the requirements of this policy, reportable conduct and responding and reporting obligations. • Participate in training and development to maintain awareness of obligations related to Child Protection (as outlined in Section 3 of the Code of Conduct). • Adhere to obligations with regards to responding, reporting and reportable conduct and take action when a child or young person is at risk of significant harm. • Report any concerns about a child's safety to direct supervisor or the General Manager as appropriate in accordance with this policy, where there is reasonable belief that a child's safety is at risk. • Contribute to an environment that is supportive of children's safety and wellbeing.



Authorised Officer	Roles and Responsibilities
<p>Wellbeing and Safety Officer</p>	<ul style="list-style-type: none"> • Provide advice and support in identifying child abuse or potential child abuse. • Participate in the process of reviewing any incidents/concerns of child abuse and identify any learning and improvements to Council policy and practice. • Maintain up to date knowledge in relation to contemporary child safe practices and legislation, including the Child Safe Standards and Reportable Conduct Scheme. • Action findings from child safety reviews or investigations and facilitate changes' to Council's policy where appropriate. • Promote a culture of listening to children, young people and families that frequent any Council facility. • Provide child safety updates and information to staff and volunteers, as needed. • Consult with Managers to identify child safety champions within all levels and functions of Council to create a child safe environment/culture.

7. DEFINITIONS

Child: a person who is under the age of 16 years (Children and Young Persons (Care & Protection) Act 1998)

Child abuse: there are different forms of child abuse: neglect, sexual, physical, emotional, domestic, and family violence. Child abuse is a crime.

Child harm: all forms of physical, emotional, sexual abuse or exploitation, neglect, or harm.

Child-Safe Organisation: creates a culture, adopts strategies, and takes action to promote child wellbeing and prevent harm to children and young people (childsafeforum.org.au)

Child Safe Standards: recommended by the Royal Commission provide a framework for making organisations safer for children. They have been accepted by the NSW government. Based on extensive research and consultation, the Standards provide tangible guidance for organisations to create cultures, adopt strategies and act to put the interests of children first, to keep them safe from harm.

Contact with a child: in this Policy contact means physical contact, face to face contact, written communication, oral communication, or electronic communication. Contact does not include providing information to children on our website or through other means where there is no exchange of information or communication with a child.

Council staff: all paid staff (including contractors, consultants etc), unpaid staff (such as volunteers, students etc) including the General Manager and Councillors.



- Cultural Safety:** an environment that is spiritually, socially, emotionally, and physically safe, where there is no challenge or denial of identity. It is about shared respect, meaning, learning and knowledge.
- 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. Mandatory Reporters are required by law to report suspected child abuse and neglect to government authorities. This includes, but is not limited to, professionals working in health care; welfare; education; children's services; residential services; and law enforcement.
- Mandatory Reporters Guide:** (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.
- Reportable Conduct Scheme:** oversights investigations conducted by relevant organisations when an allegation of reportable conduct is made against an employee. The Children's Guardian Act 2019 includes responsibility for the Reportable Conduct Scheme with oversight by the Office of the Children's Guardian.
- Working with children** means being engaged in an activity with a child where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity. Working includes volunteering or other unpaid works.
- WWCC:** is a requirement for anyone who works or volunteers in child-related work in NSW. The check provides either clearance to work with children for five years, or a bar against working with children.
<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-withchildren-check>
- Young person:** a person who is 16 years or above but who is under the age of 18 years (Children and Young Persons (Care & Protection) Act 1998)

8. RELATED DOCUMENTS

Legislation

- Children's Guardian Child Safe Scheme 2021
- United Nations Convention on the Rights of the Child
- Children's Guardian Act 2019
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Government Information (Public Access) Act 2009
- The Ombudsman Amendment (Child Protection and Community Services Act) 1998
- Children and Young Persons (Care and Protection) Act 1998
- Child Protection (Prohibited Employment) Act 1998
- The Commission for Children and Young People Act 1998 (CCYP)
- Privacy and Personal Information Protection Act 1998
- Local Government Act 1993 (NSW)
- The Ombudsman Act 1974

Safe Work Method Statements (SWMS)

- Safety – CUL-022 Dealing with Customers



Related policies

- Child Protection Operational Standard
- Code of Conduct
- Recruitment and Selection Corporate Policy
- Staff Training and Performance Operational Standard
- Work Experience and Volunteer Operational Standard
- Complaints Management Policy
- Children in the Library Policy
- Children in the Workplace
- Access to Information Policy
- Privacy Management Plan
- Use of Council's Information Technology Facilities Corporate Policy ID – 6672290

Procedures

- Child Protection Procedure

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