

POLICY NAME: CHILD SAFETY
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OBJECTIVE

The objectives of this Policy are to:

- Keep children and young people safe when they are interacting or involved with Ballina Shire Council (Council).
- 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.
- Implement 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.

POLICY

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.

This Policy reflects Council's commitment to the Child Safe Standards recommended 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 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.

BACKGROUND

The Office of the Children's Guardian introduced the Child Safe Standards to improve the way organisations provide services for children and young people to prevent and respond to child abuse that may occur within organisations.

Council caters for the needs of Children and young people by providing community centres, libraries, and aquatic, sporting, and recreation facilities. Council also provides a diverse array of services which may be used by children and young people including community programs and facilities delivering community events. Some of these services may be managed or provided by contracted service providers on behalf of Council.

Council is committed to meeting its responsibilities to provide a safe environment for 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 People and Culture section 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

The NSW Reportable Conduct Scheme is administered by the Office of the Children's Guardian. The Reportable Conduct Scheme monitors how organisations investigate and report on allegations of certain conduct towards children. Under the *Children's Guardian Act 2019*, 'relevant entities' must notify the Office of the Children's Guardian of reportable allegations concerning their employees. Council is a 'relevant entity' and must notify reportable allegations against its employees to the Office of the Children's Guardian within seven days of the General Manager becoming aware of the allegation.

Allegations or convictions of reportable conduct involving a child or young person against employees (including full time, part time, casual, temporary, fixed term and labour hire staff), 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 or Council's Child Safety Officer. The General Manager, Child Safety Officer, or an authorised delegate, will carry out an investigation in a timely manner.

The General Manager, Child Safety Officer, or an authorised delegate must notify the 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 the matter to the Office of the 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 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*.

Mandatory reporting requirements apply only to a child or young person under 18 years of age.

The General Manager, Child Safety Officer, or authorised delegate must be made aware of any allegation of child abuse made against a person employed or engaged by Council, whether or not there is any supporting evidence that the abuse has taken place.

D. Information sharing

Council will create, store and maintain records in line with the *State Records Act 1998*, GA-39 Local Government, relevant standards and guidelines issued by State Records NSW, and other child safety and protection legislation, in particular Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*.

Personal information collected during the process of reporting or investigation will be managed in accordance with the *Privacy and Personal Information Protection Act 1998* and Council's Privacy Management Plan.

Personal information will be disclosed where there is a legislative requirement for such disclosure.

E. Staff training

Council will provide ongoing training and education in child safety and protection to staff and representatives 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.

RISK MANAGEMENT

Council recognises the importance of a risk management approach to minimising the potential for child abuse or harm to occur and this informs all associated policies, strategies and actions.

Council will follow instructions of its Child Safe Risk Management Plan to ensure a safe and positive environment for children and young people while they are on Council premises and using Council services.

To ensure Council maintains a child safe culture all Council staff and representatives will be informed and supported to understand their role in providing a child safe environment.

ROLES AND RESPONSIBILITIES

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

Councillors

Councillors will provide leadership in adhering to the requirements of this Policy.

General Manager

The General Manager must:

- ensure the organisation implements the Child Safe Standards through systems, policies, procedures and processes.

- ensure 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.

Note: The Office of the Children's Guardian must be notified of any reportable allegations or reportable convictions within seven business days of becoming aware of a reportable allegation or conviction against an employee.

The Executive Team

The Executive must:

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

Director Corporate and Community

The Director Corporate and Community will:

- provide guidance to Councillors, the Executive and other Council staff as to the content and implementation of this Policy.
- have delegated responsibility as the Child Safety Officer.
- ensure recruitment and screening practices are conducted in line with relevant child safety and protection legislation and relevant procedures.
- ensure the timely review of this Policy.
- ensure child focused systems and complaints processes are in place for detecting and responding to reports of child safety concerns; and
- conduct investigations into alleged non-compliance with this Policy.

Senior Leadership Team

The Senior Leadership Team will:

- champion the child safe values in Councils commitment statement and child safe code of conduct.
- provide guidance to Council staff within their respective teams as to the content and implementation of this Policy, seeking guidance from the policy owner as required.

Council staff

Council staff must:

- act in accordance with Ballina Shire Councils Child Safe Code of Conduct.
- report any suspicious behaviour towards a child or young person to their supervisor, General Manager or Child Safety Officer.
- undertake training and/ or induction required when assigned to them.
- adhere to this Policy and the responsibilities set out in related documents.

OPERATIONAL PROCEDURES

We have specific operational policies and procedures in place that support employees to achieve our commitments as outlined above.

This Policy should be read in conjunction with the following operational procedures and policies:

- Child Safe Reporting Procedure
- Child Safe Code of Conduct
- Child Safe Commitment
- Child Safe Risk Management Plan

All employees have a responsibility to adhere to associated Policies and Procedures.

DEFINITIONS

Abuse	a term used to refer to different types of harm or maltreatment. In this document it refers to types of harm or maltreatment that children and young people experience, including; physical harm, sexual assault, exposure to domestic violence, psychological harm and prenatal risks
Allegation	includes an Allegation which involves behaviour that is reportable conduct, as well as behaviour that is exempt from notification to the NSW Office of the Children's Guardian, but which is required to be investigated by Council. The alleged victim must have been aged under 18 years at the time of the alleged offence or behaviour
Child	a person under the age of 16 years
Child Abuse Allegation	an allegation of child abuse against a person or an allegation of misconduct that may involve child abuse.
Child Abuse Conviction	any conviction of a person, in this State or elsewhere, of an offence involving child abuse, and includes a finding by a court that a charge for such an offence is proven even though the court does not proceed to a conviction.
Child-Related Work	work which involves direct contact by the worker with a child or children 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 in connection with at least one of the twenty legislated categories of Child Related Work. It may also include a worker who has access to confidential records or information about Children.
Child Safety Officer	refers to the Director Corporate and Community Division or authorised delegate.
Contracted Provider	a third party contracted to provide goods, services or programs on behalf of or with Council. The Contracted Service Provider could be: <ul style="list-style-type: none"> • an organisation (including for profit and not for profit organisations, private companies or government entities) or • a sole trader - a business run by one person that is either run in the sole trader's own name or a separate business name

DCJ	the NSW Department of Communities and Justice. DCJ is the NSW Government agency responsible for the care and protection of children and young people.
OCG	Office of the Children's Guardian
Mandatory Reporter	<p>mandatory reporters are employees and volunteers who deliver the following services, wholly or partly, to children as part of their paid or professional work:</p> <ul style="list-style-type: none"> • Health care (e.g. registered medical practitioners, specialists, general practice nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices) • Welfare (e.g. psychologists, social workers, caseworkers and youth workers) • Education (e.g. teachers, counsellors, principals) • Children's services (e.g. child care workers, family day carers and home-based carers) • Residential services (e.g. refuge workers) • Law enforcement (e.g. police)
Reportable Allegation	a reportable allegation or conviction against a person or an allegation of misconduct that may involve reportable conduct.
Reportable Conduct	<p>Section 20 of the Children's Guardian Act 2019 defines reportable conduct as the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:</p> <p>(a) a sexual offence (committed against, with or in the presence of a child or young person),</p> <p>(b) sexual misconduct (with, towards or in the presence of a child or young person),</p> <p>(c) ill-treatment of a child (or young person),</p> <p>(d) neglect of a child (or young person),</p> <p>(e) an assault against a child (or young person),</p> <p>(f) an offence under section 43B or 316A of the Crimes Act 1900,</p> <p>(g) behaviour that causes significant emotional or psychological harm to a child (or young person).</p>
Reportable Conviction	a conviction (including a finding of guilt without the court proceeding to a conviction), in this State or elsewhere, of an offence involving reportable conduct.
Risk of significant harm	<p>relevant to mandatory reporting requirements.</p> <p>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.</p>
Young person	a person who is aged 16 years or above but who is under the age of 18 years.
WWCC	Working with Children Check. The check provides either clearance to work with children for five years, or a bar against working with children.

SCOPE OF POLICY

This policy applies to all Council staff and representatives including:

- a. council employees (full-time, part-time, casual, temporary, and fixed term)
- b. labour hire employees
- c. councillors (elected members)
- d. contractors
- e. sub-contractors
- f. volunteers
- g. work experience participants and
- h. student placements.

It is important to note under the *Children's Guardian Act 2019*, an employee of an entity includes:

- an individual employed by, or in, Council
- a volunteer providing services to children
- a contractor engaged directly by Council (or by a third party) where the contractor holds, or is required to hold, a Working with Children Check for the purposes of their work with Council.

RELATED DOCUMENTATION

- Children's Guardian Act 2019
- Children and Young Persons (Care and Protection) Act 1998
- The Commission for Children and Young People Act 1998
- The Child Protection (Prohibited Employment) Act 1998
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Child Protection (Working with Children) Amendment Regulation 2014
- Ballina Shire Council Code of Conduct
- Ballina Shire Council Child Safe Code of Conduct
- Ballina Shire Council Child Safe Commitment Statement
- Ballina Shire Council Child Safe Risk Management Plan
- Ballina Shire Council Complaints Management Policy
- Ballina Shire Council Internal Reporting Policy
- Ballina Shire Council Privacy Management Plan
- NSW Child Safe Standards
- Privacy and Personal Information Act 1998
- State Records Act 1998
- Crimes Act 1900

REVIEW

The Child Safety Policy is to be reviewed every four years.