

CHILD SAFE

OP138

F286

OBJECTIVE

The objectives of this policy and associated procedure is to:

- Provide child safe environments for children and young people whilst on Council premises and using Council services.
- To promote the health, safety, welfare and wellbeing of children and young people.
- Adopt the Child Safe Standards
- Compile and implement best practice approaches to child protection and adhere to NSW child protection legislation.
- Clarify and identify professional and legal obligations of Council and their employees in relation to child protection.
- Implement clear procedures for prompt and confidential processes for any allegations against employees, volunteers, students and contractors/suppliers.
- Implement clear procedure and guidelines relating to mandatory reporting obligations.

Child safe organisations create cultures, adopt strategies and act to prevent harm to children. Systematically they should:

- ★ Create conditions to reduce the likelihood of children being harmed
- ★ Create conditions that increase the likelihood of identifying and reporting harm
- ★ Respond appropriately to disclosures, allegations and suspicions of harm

SCOPE

This policy applies to all Council employees, councillors (elected members), contractors, apprentices, work experience participants, Family Day Care Educators, volunteers and facility hirers and leases.

GENERAL

Standards

This policy and associated procedures are designed to assist with Council's commitment to meeting the *Child Safe Standards* identified by the Royal Commission (2017), that is:

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 taken into account.
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.

The procedure attached to this policy outlines detailed guidelines and instructions, however, the following overarching policy provisions apply:

Children's Participation

Council supports the active participation of children in the programs, activities and services we offer. We provide a range of way to allow children to provide feedback or raise concerns. We listen to their views, respect what they say and involve them when we make decisions, especially about matters that will directly affect them.

Use of Council Facilities

All children **UNDER 12** must be accompanied by a guardian or parent whilst utilising a Council facility (i.e. Aquatic Centre, Gallery, Museum and Libraries). However, this excludes child care services and activity programs that are specifically designed for children.

Activity Programs

All council activity programs for children, where the child is not accompanied by a guardian or parent, will require the parents to complete an enrolment form that will include the following information:

- Relevant medical, health and dietary information
- Authorisation of whether or not pictures can be taken of their child
- Clear instructions on who is authorised to pick up and drop off their child as well as contact details

If an enrolment form is not completed, this may limit the ability of Council to accept the child at the activity.

Recruitment

Orange City Council has implemented a risk based approach on all pre-employment screening checks as part of the Recruitment and Selection Policy and Procedure. The risk based approach has the level of risk identified and the requirements for when a Criminal Records Check and Working with Children Checks need to be completed. All employees of Orange City Council are required to have a basic identity check and any additional requirements (such as a Criminal Records Check and Working with Children Check) are listed within their Position Descriptions and within the Job Advertisement. If any concerns are highlighted as part of the employment screening process, People and Culture will consider the information in consultation with the Hiring Manager.

Volunteers, work experience students and contractors in designated areas are responsible for maintaining their own Working with Children Checks and providing it as part of their screening processes prior to their applications being accepted by Council.

Complaints Management and Reporting

All complaints from children, parents or members of the public will be managed in accordance with Council's Complaint Management Policy and Council's operational procedures.

Child Safe Contact Officers will be identified and trained to support the workforce with compliance to this Policy, and guide, monitor and review the Council processes.

Training and Support

- Employees are provided with both online and face to face training on child safe practices. The level of training provided will depending on the position.
- Workers are encouraged to ask questions and contribute to the continuous improvement of child safe policies, procedures and practices in the workplace
- We promote respect, fairness and consideration for all workers
- This policy and procedure will be available online so that it is accessible to employees and the public.

Communication

- We will hold regular information sessions to promote child safe practices
- Our policy will be provided during induction to all employees
- Kids and parents joining our program/s will have access to the Strategic Child Safe Policy.

Records

All records are to be accurately maintained and stored in accordance with Council's Records Management Policy and Procedure.

LEGAL CONSIDERATIONS

• **Children's Guardian Act 2019**

This Act outlines that the Office of the Children's Guardian will be responsible for the Reportable Conduct Scheme. The scheme oversees how organisations investigate and report on certain conduct (known as 'reportable allegations' and 'reportable convictions') made against their employees, volunteers or certain contractors who provide services to children. This includes the need to notify the Office of the Children's Guardian within 7 days about any reportable allegations and a Final Entity Report must be provided to the Children's Guardian within 30 calendar days.

• **Children and Young Persons (Care and Protection) Act 1998**

Under this Act, there is a mandatory reporting requirement for any Council employee who delivers health care, welfare, education, children's services, residential services or law enforcement, wholly or in part to children and has reasonable grounds to suspect that a child is "at risk of harm" to report, as soon as practicable a description of the child and the grounds for suspecting that the child is "at risk of harm" to the NSW Department of Communities and Justice (DCJ). For the purposes of this Act a child is a 'person who is under the age of 16 years' and a young person is a 'person who is aged 16 years or above who is under the age of 18 years'.

• **Child Protection (Working with Children) Act 2012**

Under this Act, Council must organise "Working With Children Checks" for all prospective staff who are looking to be employed in child related employment and have these checks screened by an approved screening agency. The key agency for this Act is the NSW Office of the Children's Guardian (the Guardian). For the purpose of this Act a child means 'a person who is under the age of 18'.

All policies can be reviewed or revoked by the Chief Executive Officer, at any time.

- **Ombudsman Act 1974**

This Act requires heads of agencies to report to the NSW Ombudsman, within 30 days of becoming aware, any reportable allegations or convictions against employees. Heads of agencies are also required to conduct investigations into reportable allegations or convictions, including allegations which are exempted from notification and to take appropriate action as a result.

PROCEDURES

Attached is a procedure outlining Council's guidelines and processes that are required to be following in order to meet the objectives of this policy.

RELATED POLICIES/DOCUMENTS

- Local Government (State) Award
- ST010 - Orange City Council Code of Conduct
- ST016 – Complaint Management Policy
- ST16 – Access to Information Held by Council
- OP003 – Learning and Development Policy and Procedure
- OP023 – Records Management Policy and Procedure
- OP049 – Recruitment and Selection Policy
- OP092 – Flexible Work Policy
- Local Government Act 1993

RESPONSIBLE AREA – Corporate and Commercial Services

SUMMARY OF AMENDMENTS

DATE	AMENDMENT	DATE APPROVED BY CHIEF EXECUTIVE OFFICER
March 2024	Minor review to ensure applicable. Change to formatting.	1 March 2024
January 2021	New Child Safe Policy to support the Strategic Policy – ST146 – Child Safe Merged the following operational policies into one strategic policy that covers all areas of Council: <ul style="list-style-type: none"> • OP036 – Central West Libraries Children's Policy • OP073 – Youth Services Child Protection/Child Safety and Wellbeing • OP076 – Youth Services Risk Management • CS S3-06 – Child Protection 	8 February 2021

Operational Policy

Child Safe Procedure

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1 OBJECTIVES

This procedure specifically relates to procedures relating to the operational implementation of the Strategic and Operational Child Safe Policies.

2 DEFINITIONS

Word	Definition
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.
Child	For the purpose of this procedure the term 'child' is defined as both children and young people under the age of 18 years unless specifically stated otherwise.
Child at Risk of Harm	<p>Under the Children and Young Persons (Care and Protection) Act 1998, a child or young person is at risk of harm if there are current concerns for their safety, welfare or well-being because of the presence of any one or more of the following circumstances:</p> <ul style="list-style-type: none"> the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met. the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care. the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated. the child or young person is living in a household where there have been incidents of domestic violence and as a consequence the child or young person is at risk of serious physical or psychological harm. a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm. <p>Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given by the child.</p>
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.
Employee	As defined by the NSW Ombudsman, employee means any person is who employed by Orange City Council, whether or not they are employed to work directly with children, as well as anyone from outside Orange City Council who is engaged to provide services to children such as contractors, apprentices, work experience participants and volunteers.
Head of Agency	A head of the agency is considered to be the chief executive or other principle officer of an agency. For the purpose of the Ombudsman Act 1974, the Orange City Council head of agency is the Chief Executive Officer.
Mandatory Reporter	The Children & Young Persons (Care & Protection) Act 1998 places a duty of mandatory reporting on any person who is paid to provide the following services and a person (paid or unpaid) who is in management position in these services

Word	Definition
	<p>are mandatory reporters. This includes, health care, welfare, education, children's services, residential services and law enforcement.</p> <p>The Act applies to a person if they have reasonable grounds to suspect that a child is at risk of harm, and these grounds arise during the course of or from the person's work.</p> <p>The following areas within Council have mandatory reporting obligations;</p> <ul style="list-style-type: none"> • Children's services, • Youth services, and • Disability/Residential services.
Reasonable Grounds	<p>Means that a mandatory reporter suspects a child may be at risk of significant harm based on:</p> <ul style="list-style-type: none"> • Your observations of the child, young person or family; or • What the child, young person, parent or another person has told you. It does not mean that you are required to confirm your suspicions or have clear proof before making a report. • Any such circumstances may relate to a single act or omission or to a series of acts or omissions.
Reportable Allegation	<p>An allegation of reportable conduct against a person or an allegation of misconduct that may involve reportable conduct. All allegations of reportable conduct must be report to the Ombudsman.</p>
Reportable Conduct	<p>Reportable conduct is defined as:</p> <ul style="list-style-type: none"> • any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a • child pornography offence), or • any assault, ill treatment or neglect of a child, or • any behaviour that causes psychological harm to a child, with or without the consent of the child. <p>Behaviours that are exempt from notification to the Ombudsman are:</p> <ul style="list-style-type: none"> • conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to age, maturity, health or other characteristics of the child and to any relevant codes of conduct or professional standards, or • the use of physical force that, in all circumstances, is trivial or negligible, but only if the matter is to be investigated by the agency and the result of the investigation recorded under workplace employment procedures, or • conduct of a class or kind exempted from being reportable conduct by the Guidelines under Section 25 of the Ombudsman Act 1974.

3 ROLES AND RESPONSIBILITIES

The following sets out the roles and responsibilities in relation to this procedure:

Role	Required Duties
Child Safe Contact Officer	<p>A Child Safety Contact Officer is a requirement of a number of nominated positions within Council. The position is required to:</p> <ul style="list-style-type: none"> • Assist and provide advice to all employees on this policy and procedure, • Providing guidance on child safe practices across Council • Child Safe Contact Officers within Disability, Children's Services and Youth Services are also required to provide advice particularly relating to mandatory reporting.
Corporate Governance	<ul style="list-style-type: none"> • Assist and provide advice to employees on this policy and procedure, particularly relating to request for information, legal requirements and seeking legal advice when required. • When it relates to external parties or complaints, assist with guidance and advice to Managers, Directors and CEO in preparation for any discussions/meeting or written correspondence. • Responsible for reviewing and updating this policy and procedure when required.
People and Culture (P&C)	<ul style="list-style-type: none"> • Assist and provide advice to all employees on this policy and procedure, particularly relating to employee reportable allegations and reportable conduct. • When it relates to staff, assist with guidance and advice to Managers, Directors and CEO in preparation for any discussions/meeting or written correspondence. • Where necessary, facilitate or conduct the investigation processes relating to reportable conduct.
Chief Executive Officer (CEO) (Head of Agency)	<ul style="list-style-type: none"> • Ensure systems are in place for recording and responding to allegations of conviction of a child protection nature against employees. • Notify the Ombudsman of reportable allegations or convictions against employees as soon as possible and within 30 days and the Office of the Children's Guardian within 7 days. This includes providing relevant documents and other information with respect to investigations and forward results of an investigation.
Mandatory Reporter	<ul style="list-style-type: none"> • Notify and get advice from your supervisor/manager if there is any concerns that a child is at risk of harm • Follow the NSW Mandatory Reporter Guide (MRG) and this procedure. • Contact and seek advice from the Child Protection Helpline as required. • All reports are accurately made through Child Story and stored in accordance with Council's Record Management Procedure.
Employees	<ul style="list-style-type: none"> • Remember to be a positive role model to children in all your interactions with them. • Set clear boundaries about appropriate behaviour between yourself and children within Council. Boundaries help everyone to carry out their roles well.

Role	Required Duties
	<ul style="list-style-type: none"> • Follow organisational policy and guidelines for the safety of children as outlined in this procedure • Always have another adult present or in sight when conducting one to one coaching, instruction etc. • All employees are required to disclose if they have a conviction of reportable conduct. • All employees must disclose any alleged misconduct which constitutes or involves reportable conduct by another employee of which they are aware to the Chief Executive Officer. • Any allegations of reportable conduct made by a child or their parents or caregivers against an employee must be reported immediately to your Manager and People and Culture. • Maintain a valid Working with Children Check when it is listed as a requirement of your position. • Access the Employee Assistance Program (EAP) as required.
Nominated Supervisor	<p>All education and care services must have relevant Nominated Supervisors. Nomination Supervisors are required to ensure that;</p> <ul style="list-style-type: none"> • all staff in the service have current Working With Children Checks (renewed every 5 years) • all staff are familiarised with this policy • all staff undergo training in all aspects of child protection, current legislation and its implications for their work a minimum of every 3 years • parents of attending children are provided with information about relevant legislation and procedures • all staff follow procedures • any situation regarding an allegation of child abuse, or any concern for any child as being at risk of harm, will be treated with discretion, and ensure the privacy and confidentiality of the persons concerned, recognising however, that the rights of children to be free from abuse must be held paramount • management of staff will be organised to maximise protection of children from abuse and minimise opportunities for abuse, as well as minimise opportunities for vexatious allegations against staff • Senior Children's Services Coordinator or Manager Community Services be informed of any allegations of child abuse made against any staff member, who will then inform the Chief Executive Officer as per Council's policy.

4 CHILD SAFE CONTACT OFFICER

Child Safe Contact Officers assist with advice, implementation and promotion of our Child Safe Policies and procedures. The Child Safe Contact Officers are therefore required to:

1. **Review** – develop and support an ongoing strategy of how to ensure there is consistency review of policies, processes and practices.
2. **Training** – make recommendations on the level of child safe training required depending on each position at Council.
3. **Reporting Process** – review and ensure that consistent and appropriate reporting practices and processes are in place, including method of response.
4. **Communication** – review our practices across Council to ensure that Council empowers and promotes the participation of children in decision making (where applicable).
5. **Advice** – provide advice on this policy and procedure to all staff.

The Child Safe Contact Officers will meet at least 3 times a year and will be provided training to make informed decisions and assist with these objectives. Child Safe Contact Officers are as follows:

<u>Position</u>	<u>Section/Area</u>
Senior Children's Services Coordinator	Children Services
Manager Corporate Governance	Corporate Governance
Senior Specialist – People and Culture	People and Culture
Aquatic Centre Manager	Aquatic Centre
Manager, Central West Libraries	Library Services
Youth Development Officer	Youth Services
Disability Services Coordinator	Residential Services
Community Development Team Leader	Community Services
Public Engagement and Educator Officer	Museum
Public Engagement and Educator Officer	Gallery

5 CHILD COMMUNICATION AND PARTICIPATION

Each service is responsible for implementing the requirements of the strategic and operational Child Safe Policy specifically in relation to child Activity Programs, inclusive children's participation practices and providing a range of ways to allow children to provide feedback and concerns.

6 RECRUITMENT AND TRAINING

Our Recruitment and Selection Policy and Procedure and the Learning and Development Policy and Procedure outlines ways to ensure that Council practices are child safe and staff are trained appropriately.

7 CHILD USE OF FACILITIES

All children under 12 years of age must be accompanied and supervised by a guardian or parent whilst using Council facility (i.e. Aquatic Centre, Gallery, Museum and Libraries). However, this excludes child care services and activity programs that are specifically designed for children.

A guardian is required to be 16 years of age or older.

If a child UNDER 12 attends a facility unsupervised, employees should advise the child of the conditions of entry and offer to call a parent or guardian on their behalf. The child should also wait at the entry of the facility until the guardian or parent arrives particularly at the Aquatic Centre. At the library, this arrangement may be considered on a case by case basis.

Any employee who brings their own child or children into the workplace must also consider the issues of safety, supervision, productivity and liability as per the Flexible Work Policy.

8 ALLEGATIONS OF REPORTABLE CONDUCT

All allegations regarding people employed by Council will be managed in accordance with the Code of Conduct, Managing Unsatisfactory Performance and Conduct Procedure and the Local Government (State) Award.

Council has an obligations relating to Reportable Conduct allegations made against employees. That is, the Office of the Children's Guardian within 7 days

When allegations are made, Council must see advice of the Officer of the Children's Guardian, the Police or the NSW Ombudsman as to whether or not the matter will be investigated internally.

ALLEGATIONS AGAINST EMPLOYEES OF REPORTABLE CONDUCT**Complaint or Concern Raised/ Identified****Nature of Allegation**

Supervisor/Manager to consult with People and Culture, to determine if the allegation relates to;

- any sexual offence or sexual misconduct committed against, with or in the presence of a child (including child pornography offence)
- Any assault, ill treatment or neglect of a child, or
- Any behaviour that causes psychological harm to a child, with or without the consent of the child.

Yes

No

HR/CEO to notify
Office of Children's Guardian within 7
Days and conduct any investigations in
accordance with the Management
Performance Procedure

Follow the Complaints
Management Policy and the
Managing Performance Procedure

HR/CEO to submit a Final Entity Report
to the Office of Children's Guardian
within 30 days.

9 MANDATORY OBLIGATIONS

Children's services, Youth services, and Disability/Residential services and mandatory reporting obligations. The guidelines for this mandatory reporting is listed below:

9.1 CHILD DISCLOSURE

Mandatory reporting obligations can occur once a child makes a disclosure. If this occurs you need to follow the Mandatory Reporting Guideline outlined in item 5.2 AND:

- Remain calm and objective and comfort the child
- Find a quiet private place to talk to allow the child to tell you in their own words
- Listen to and believe the child
- Don't make promises that you cannot keep
- Convey messages that it is not their fault and it was right to tell
- Tell them you will need to talk to other people whose job it is to help keep children safe
- Use open ended questions.
- Report to the Responsible Person, Nominated Supervisor as soon as possible that same day
- If a child makes a disclosure in a group situation, calmly follow through on issues discussed with all children regarding protective behaviours. As soon as possible without removing the child from the group inappropriately, move to a quiet area and follow the steps outlined above.

Note: that our role is to support the wellbeing of the child, **not** to investigate the disclosure. Do not question the child about the details of the abuse/neglect as legal proceedings may be jeopardised.

9.2 GUIDELINE

Mandatory reporting obligations can not only be due to a child disclosure but may also be based on your own observations. Here are the guidelines that must be followed:

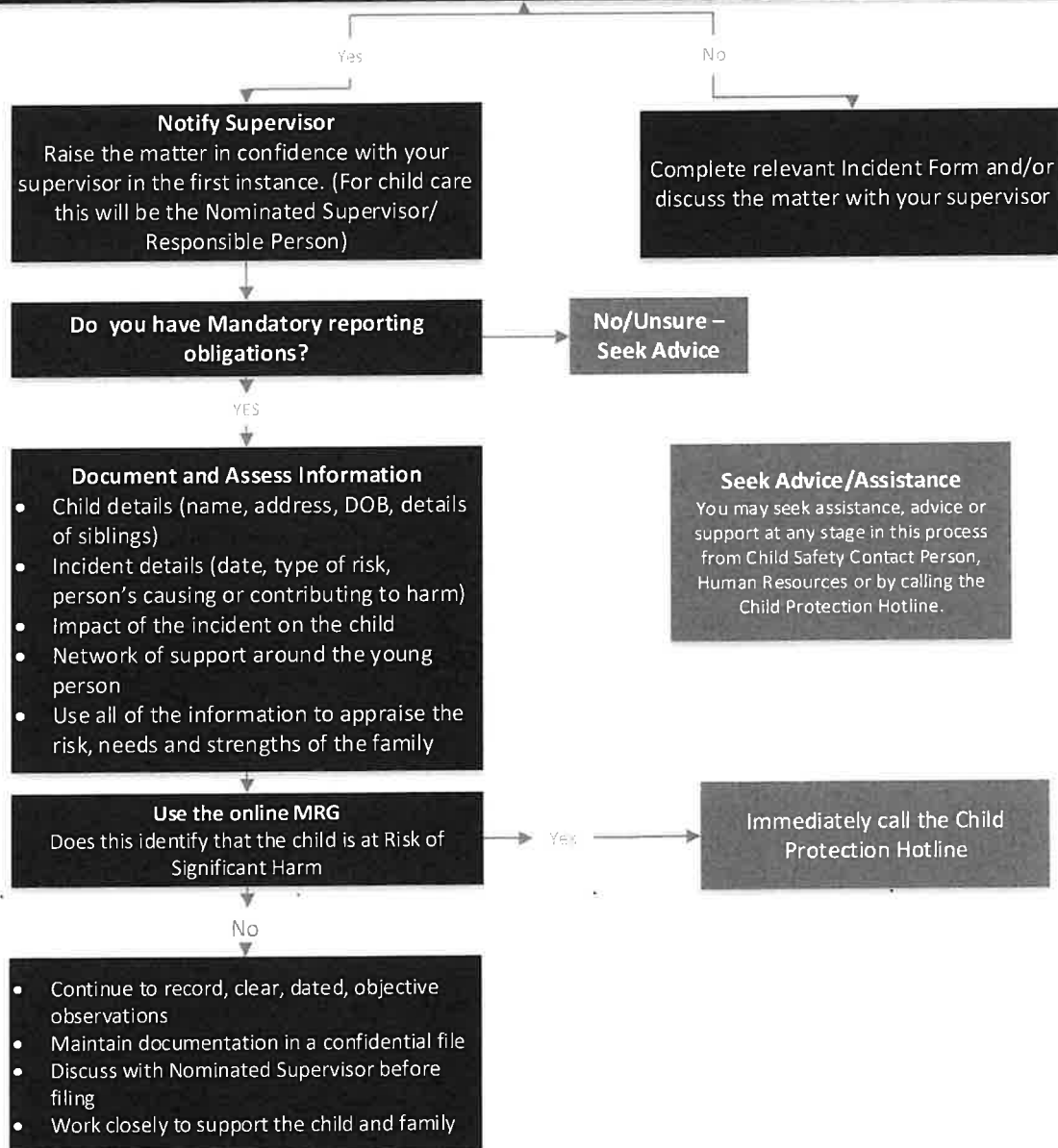
MANDATORY REPORTING GUIDELINE

Child - Injury /incident/Concern

Do you have any of the following concerns:

- the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met.
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care.
- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated.
- the child or young person is living in a household where there have been incidents of domestic violence
- and as a consequence the child or young person is at risk of serious physical or psychological harm.
- a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm.

NOTE: if there is immediate significant danger to the child, call 999



10 CHILD PROTECTION HOTLINE

Any member of the community, including mandatory reporters, who suspect, on reasonable grounds, that a child or young person is at risk of significant harm should report their concerns to the Child Protection Helpline. Mandatory reporters and non-mandatory reporters, including the general public, should phone **132 111**. In an emergency, where there are urgent concerns for the child's health or life, call the police using the emergency line triple zero (**000**).

Where an employee is considering calling a child protection hotline as part of their position at Council, you must first report or discuss your concerns to your Supervisor and/or a Child Safe Contact Officer.

11 SOURCES/REFERENCES

Children and Young Persons (Care and Protection) Act 1998

Commission for Children and Young People Act 1998

Ombudsman Act 1974

Education and Care Services National Law Act 2010

Education and Care Services National Regulations 2011

Council of Social Service of New South Wales 2010, Keep Them Safe: www.ncoss.org.au

NSW Government, Department of Family and Community Services, Community Services:

- Resources for Mandatory Reporters, accessed from:
<http://www.community.nsw.gov.au/preventing-child-abuse-and-neglect/resources-for-mandatory-reporters>
- Child Wellbeing and Child Protection – NSW Interagency Guidelines - Flow chart for the investigation process
http://www.community.nsw.gov.au/data/assets/pdf_file/0009/336294/responding_flowchart.pdf
- Family and Community Services – Resources for Mandatory Reporters – Before I make a report
<http://www.community.nsw.gov.au/preventing-child-abuse-and-neglect/resources-for-mandatory-reporters/before-i-make-a-report>
- What is Child Abuse
<http://www.community.nsw.gov.au/preventing-child-abuse-and-neglect/what-is-child-abuse>
- The Mandatory Report Guide
<https://reporter.childstory.nsw.gov.au>
- Significant Harm – Policy Definition
<https://reporter.childstory.nsw.gov.au/s/article/Significant-harm-policy-definition>
- NSW Government, Department of Premier and Cabinet, Child Wellbeing & Child Protection: NSW Interagency Guidelines, accessed from:
www.keepthemsafe.nsw.gov.au
- NSW Ombudsman – Child Protection - Responding to allegations and convictions
<https://www.ombo.nsw.gov.au/what-we-do/our-work/employment-related-child-protection/reportable-allegations-and-convictions>
- NSW Commission for Children and Young People Working with Children Check
<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check>

- NSW Interagency Guidelines for Child Protection 2006 edition
<http://www.victimsservices.justice.nsw.gov.au/sexualassault/Documents/Child-Protection-Interagency-Guidelines.pdf>
- Apologies and Child Protection – fact sheet from NSW Ombudsman (to be provided to all staff).
<https://www.ombo.nsw.gov.au/news-and-publications/publications/fact-sheets/state-and-local-government/apologies>

