

# Policy

## Child Safe Policy

<b>Responsible portfolio</b>	Strategy	<b>Document Register ID</b>	250.2024.311.1
<b>Policy owner</b>	Community Development Planner and Support	<b>Review date</b>	05/07/2026
<b>Date of Council Meeting</b>	20 June 2024	<b>Resolution Number</b>	1/24
<b>Legislation, Australian Standards, Code of Practice</b>	<ul style="list-style-type: none"> <li>• Children's Guardian Amendment (Child Safe Scheme) Bill 2021</li> <li>• Children's Guardian Act 2019</li> <li>• Advocate for Children and Young People Act 2014</li> <li>• Child Protection (Offenders Prohibition Orders) Act 2004</li> <li>• Child Protection (Offenders Registration) Act 2000</li> <li>• Child Protection (Working with Children) Act 2012</li> <li>• Child Protection (Working with Children) Regulation 2013</li> <li>• Children and Young Persons (Care and Protection) Act 1998</li> <li>• Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015</li> <li>• Children and Young Persons (Care and Protection) Regulation 2012</li> <li>• The 10 Child Safe Standards (NSW)</li> <li>• Office of the Children's Guardian's Principles for Child-Safe Organisations (2017)</li> </ul>		
<b>Aim</b>	<p>The Policy outlines Council's commitment to a safe environment for children and young people, including mandatory reporting, selection and recruitment, responding to allegations of abuse, upholding child safety and wellbeing, and the implementation of the 10 Child Safe Standards (NSW)</p>		

# 1 Purpose

The purpose of this Policy is:

- 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 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 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 ensure that Council is implementing best practice approaches to child protection, and in this regard is responding to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (2017) that affect Local Government, in particular the NSW Reportable Conduct Scheme

## 2 Scope

This policy applies to all Council staff, Councillors (Elected Members), contractors and subcontractors, work experience participants, volunteers, students on placement, facility hirers and lessees.

## 3 Policy Statement

Council supports children and young people having safe and happy experiences in 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.

## 4 Statement of Commitment

Snowy Monaro Regional Council is committed to being a child safe organisation, by embedding the NSW Child Safe Standards into our leadership, governance and organisational culture

We value the rights of children and young people and are committed to their care and protection. We believe that the safety and wellbeing of children and young people is the shared responsibility of parents and families, the community, government, and non-government organisations.

We will continue our work to ensure Council staff, volunteers, partners, and contractors share a commitment to the awareness, prevention and response to the suspected risk of significant harm of a child or young person.

We will engage with our youngest population in ways that are meaningful and relevant to them. We strive to ensure our community is a place where all children are valued, respected and, above all, safe.

## 5 The 10 Child Safe Standards (NSW)

This Policy reflects Council's commitment to the 10 Child Safe Standards (NSW):

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 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.

## 6 Requirements

### 6.1 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 acknowledges the *Royal Commission Final Report Recommendations (2017)* relevant to Local Government including the Child Safe Standards.

Council supports the Office of the Children's Guardian's Principles of Child-Safe Organisations. Relevant Council staff will collaborate on the identification, implementation and creation of policies, procedures and actions that enables Council to meet its objectives as a Child-Safe Organisation.

### 6.2 Selection and Recruitment

Council will undertake robust recruitment practices, implementing effective screening tools to assist in the recruitment of our workforce in order to minimise the risk of inappropriate individuals entering the organisation. Council will comply with all relevant regulatory and legal requirements when recruiting its workforce to ensure its employees and customers are not placed under unreasonable risk.

Council will meet legal requirements to ensure that only people with valid WWCC are engaged in child-related work. Staff who work in relevant positions will be required to have and maintain a Working with Children Check (WWCC) in accordance with the Local Government (State) Award.

Council's Workforce Management team manages all selection and recruitment related WWCC.

All employees and volunteers will receive training to ensure that they understand Council's commitment to child safety, their role in protecting children and young people from harm, and their obligations under this policy.

Relevant internal policy / guidelines:

250.2020.598.1 Workforce Management Framework

250.2020.599.1 Recruitment and Selection Administrative Protocol

### 6.3 Mandatory Reporting

Mandatory reporting is outlined in the Children and Young Persons (Care and Protection) Act 1998. Council supports staff to participate in effective mandatory reporting through the Child Safe (Mandatory) Reporting Guideline.

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 Child Protection Helpline receives reports via either telephone on PH: 132 111 or via eReporting.

Relevant internal policy / guidelines:

Child Safe Reporting Guideline (Mandatory Reporting and Reportable Conduct)

### 6.4 Reportable Conduct Scheme – allegations against staff

Complaints and allegations against staff, elected members, contractors and sub-contractors, work experience participants, volunteers, students on placement, hirers and lessees involving a child or young person will be handled in accordance with the relevant legislation, specifically the Children's Guardian Act 2019 and the Reportable Conduct Scheme. 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 Chief People and Organisational Performance Officer (or their delegate), who will in turn investigate and report the matter to the relevant oversight agency.

Council will ensure the timely reporting and investigation of allegations of possible harm, or neglect of a child in line with the Reportable Conduct Scheme where Council is a defined public authority.

Council officials will comply with instructions and advice from NSW Police, the Office of Children's Guardian, Department of Community and Justice and other relevant Government agencies.

Council officials will maintain strict confidentiality regarding reports and investigations of allegations of child abuse. All records relating to children will be stored and maintained in line with relevant legislation.

Relevant internal policy / guidelines:

Child Safe Reporting Guideline (Mandatory Reporting and Reportable Conduct)

## 7 Related Documents

This procedure should be read in conjunction with the following documents:

### Documentation

250.2016.1.4 SMRC Code of Conduct

250.2018.466.2 SMRC Complaint Management Policy

250.2016.163.3 Policy 163 – Enterprise Risk Management

250.2020.599.1 Recruitment and Selection Administrative Protocol

250.2020.598.1 Workforce Management Framework

250.2016.4.2 SMRC 5 – Communications Policy

SMRC Corporate Training Plan

Under development

- SMRC Child Safe Reporting Guideline (Mandatory Reporting and Reportable Conduct)
- SMRC Child Protection Team Terms of Reference (TBD)
- SMRC Child Safe Implementation Plan

### Variation

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.

## Appendix 1 – 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.

**Child:** A person who is under the age of 16 years.

**Child Protection Team:** Snowy Monaro Regional Council's team made up of representatives who are designated to respond to an allegation of child-related misconduct, abuse, or reportable conduct by a Council employee, volunteer, student, elected Councillor, contractor, or otherwise relevant person.

**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.

**Child Safe Working Party:** Snowy Monaro Regional Council's team made up of representatives from across Council, who oversee the identification, implementation and creation of policies, procedures and actions that enables Council to meet its objectives as a Child-Safe Organisation.

**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.

**Head of Entity:** For the purpose of this policy Council's Head of Entity is the CEO. The Head of Entity is required to:

- Notify the Children's Guardian of reportable allegations and convictions against employees.
- Ensure the entity's compliance with legislative obligations under the Reportable Conduct Scheme.
- Ensure the entity has systems, policies and processes in place to adhere to the *Children's Guardian Act 2019*

**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*. This includes, but is not limited to, professionals working in: health care; welfare; education; children's services; residential services; and, law enforcement.

**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.

**Neglect:** a term used to refer to a pattern characterised when a parent or caregiver cannot regularly provide a child or young person the basic requirements for his or her growth and development such as food, clothing, shelter, medical and dental care, adequate supervision and adequate parenting and care.

**Relevant Entity / Public Authority:** Local government authorities are defined as relevant entities (public authorities) under the *Children's Guardian Act 2019*, and must have systems in place for preventing, detecting and dealing with reportable conduct and reportable convictions, as per the NSW Reportable Conduct Scheme.

**Reportable Conduct:** Reportable Conduct is any allegation, offence or conviction - whether or not it happens in the course of employment – that involves:

- a sexual offence
- sexual misconduct
- ill-treatment of a child

- neglect of a child
- an assault against a child
- an offence under s 43B (failure to protect) or s 316A (failure to report) of the Crimes Act 1900;
- behaviour that causes significant emotional or psychological harm to a child.

**Risk of Significant Harm (RoSH):** 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. 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. Risk of significant harm is the NSW threshold to report child protection concerns to DCJ via the Child Protection Helpline.

**WWCC:** Working with Children Check. The 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.

**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.