



Child Safe Policy

Adoption Date	27 March 2023 by Council Resolution
Last Reviewed	25 February 2023
Next Review Date	25 February 2025
Division/Department	Corporate Performance
Responsible Officer	Manager People, Safety & Performance
HPE Record Number	23/2721427

1 Policy Statement

The purpose of this policy is to outline Council's commitment to creating and maintaining a child safe organisation.

2 Application

Purpose

Woollahra Council recognises the vulnerability of children and young people.

Under the Reportable Conduct Scheme, public authorities, such as Woollahra Council, have a responsibility to formally respond to allegations of conduct that is harmful to children.

Our role as a Local Government is to foster an environment which prioritises the protection of children and young people within our organisation and in the wider community. We must also work to minimise the risk of harm to children and young people and to ensure that adequate reporting procedures are in place should such harm occur or be suspected of occurring.

We will involve children and young people in organisational decision making; providing them with opportunities to participate and express their view on how we plan for, design and develop our services and activities.

We will achieve this by embedding the NSW Child Safe Standards into our organisational culture, leadership and practice across the LGA.

Scope

This policy applies to all paid and unpaid employees of Woollahra Council, including contractors, sub-contractors, trainees, work experience participants and volunteers. This policy also applies to elected representatives (Councillors).

This policy applies regardless of whether the employee or elected representative is in child- related employment.

Background

Woollahra Council caters for the needs of children by providing early education and care services, grants to community organisations, libraries, and recreation facilities and parks. Woollahra provides a diverse array of services which may be used by children including community programs, community facilities and may be attended by children at / in delivering community events. Some of these services may be managed and/or provided by Contracted Service Providers on behalf of Woollahra Council (if required).

3 Definitions – policy and procedure definitions aligned

Term	Meaning
Abuse	All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.
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 the Council.
Child or young person	The terms 'child', 'children', and the terms 'young person' or 'young people' mean a person or persons under the age of 18.
Child Related Employment/ Child Related Work	<p>Under legislation, child-related employment/child related work is work in a specific, child-related role or a role that requires direct physical, face-to-face contact with children.</p> <p>The <i>Child Protection (Working with Children) Regulation 2013</i> specifies the following as child-related:</p> <ul style="list-style-type: none"> • Work in education and care services, child care centres, nanny services and other child minding services provided on a commercial basis (cl. 9(1)); • Work providing private coaching or tuition to children (cl. 10(2)); • Work that involves providing entertainment services primarily for children on a commercial basis. However, providing food or equipment at or for a sporting, cultural or other entertainment venue or providing a venue is not child-related work (cl. 11(2) & (3)); • Work in providing transport services especially for children on a government funded or commercial basis, including school bus services and taxi services for children with a disability and supervision of school road crossings (cl. 15); and • The role of a cleaner providing cleaning services at a school (a school cleaner) (cl. 16A). <p>The Education and Care Services National Regulation (2011 SI 653) also requires that each individual who will be a person with management or control of an education and care service must have a Working with Children Check.</p> <p>At Woollahra Council, these positions are identified as:</p> <ul style="list-style-type: none"> • Manager Community & Culture • Director Community & Customer Experience • General Manager. <p>With regard to roles at Woollahra Council, consideration should be given to any roles that deliver services to customers who may be children or young people, or any roles that interact with children – either in person or online.</p>

Child Protection Coordinator	The Child Protection Coordinator is the Manager People, Safety & Performance.
Employee	<p>An employee is any person undertaking work on behalf of Woollahra Council, including:</p> <ul style="list-style-type: none"> • Paid employees (including permanent, temporary and/or casual); • Contractors; • Sub-contractors; • Volunteers; • Trainees undertaking training as part of an educational or vocational course; • Work experience; and • For the purposes of this policy, an elected representative (Councillor) is treated as an employee.
Mandatory Reporter	<p>The <i>Children and Young Persons (Care and Protection) Act 1998</i> defines Mandatory Reporters as those who deliver the following services, wholly or partly, to children as part of their professional work or other paid employment, and those in management positions in these services:</p> <ul style="list-style-type: none"> • 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; • Welfare — registered psychologists, social workers, caseworkers and youth workers; • Education — teachers, counsellors, principals; • Children's services — child care workers, family day carers and home-based carers; • Residential services — refuge workers, community housing providers; • Law enforcement — police; • Disability services – disability support workers and personal care workers; • Religious ministry or persons providing religion-based activities to children (e.g. minister of religion, priest, deacon, pastor, rabbi, • Salvation Army officer, church elder, religious brother or sister) ; and • Registered psychologists providing a professional service as a psychologist (whether or not exclusively to children).
Working with Children Check (WWCC)	<p>A Working with Children Check (WWCC) is a requirement for people who undertake Child Related Employment as defined above. A Working With Children Check involves a national criminal history check and a review of findings of workplace misconduct.</p> <p>The result of a Working with Children Check is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked by the Office of Children's Guardian.</p>

Reportable Conduct	<p>Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:</p> <ul style="list-style-type: none"> a) a sexual offence, b) sexual misconduct, c) ill-treatment of a Child, d) neglect of a Child, e) an assault against a Child, f) failure to reduce or remove the risk of a Child becoming a victim of abuse or concealing Child abuse, g) behaviour that causes significant emotional or psychological harm to a Child. <p>Examples of indicators of significant emotional or psychological harm in respect of paragraph (g) include:</p> <ul style="list-style-type: none"> • displaying behaviour patterns that are out of character, • regressive behaviour, and/or • anxiety or self-harm.
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4 Community Strategic Plan, Delivery Program and Operational Plan

This Policy relates to Themes, Goals and Strategies outlined in Council's Community Strategic Plan Woollahra 2032 and Priorities outlined in Council's Delivery Program and Operational Plan, specifically:

Goal:	2	A supported, enabled and resilient community
Strategy:	2.2	Understand needs of our community so that we can facilitate access to support services.
Priority:	2.2.1	Collaborate with a range of services to provide support for vulnerable members of our community.

5 Relevant Legislation

Children's Guardian Act 2019.

Child Protection (Working with Children) Regulation 2013.

Child Protection (Working with Children) Act 2012.

Children and Young Persons (Care and Protection) Act 1998.

Children and Young Persons (Care and Protection) Regulation 2012. Education and Care Services National Regulations 2011.

6 Policy Content

6.1 Commitment to Child Safety

Woollahra Council is committed to safeguarding all children's sense of wellbeing, keeping children safe from harm and abuse whilst supporting them in reaching their full potential.

Council will work to empower children to find their own voices and understand that children play an important role in creating vibrant, positive communities, and are our communities of the future.

We recognise that disrespect, harm and abuse can have long-lasting effects on healthy development, and that these can lead to serious lifelong consequences. We know that abuse that occurs within an organisational context is not just a problem of the past, it

continues today.

Woollahra Council has zero tolerance for child abuse, whether across the broader community or within its own organisation. Council will ensure that policies and systems are in place and accessible to protect children and young people, and all allegations and safety concerns will be treated seriously.

6.2 Child Safe Standards for Child Safe Organisation

The NSW 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. The Child Safe Standards are a central feature of the NSW Government's response to the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse (2017)

The 10 Child Safe Standards of Child Safe Organisations are:

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 focussed.
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 Child Safe Standards is continuously reviewed and improved.
10. Policies and procedures document how the institution is child safe.

Source: Guide to the Child Safe Standards -
<https://ocg.nsw.gov.au/resources>

6.3 Child Safe Culture

Woollahra Council's Statement of Commitment to Child Safety (see section 6.1 of the Policy) and the child safe Code of Conduct are the foundation of our Child safe culture. All people at Council are responsible for championing these core values that inform Council's approach to Child safety and wellbeing.

Roles and responsibilities to support this culture are clearly defined and detailed in Section 6.10.

6.4 Involving Children in Decision-Making

Council supports the active participation of children in our services, programs, events, capital works and projects. Council will provide accessible opportunities and encourage children to take part in decisions that affect them now and in the future. This is to:

- Help us better meet their needs and interests
- Involve them in their community
- Encourage them to share their ideas and opinions
- Teach them a new skill

Wherever applicable, we inform children and young people about what they can do if they feel unsafe.

6.5 Recruitment and selection

Council utilises a fit for purpose recruitment and selection process for all appointments where direct contact work with a child or young person is a usual part of and more than incidental to the work as defined by the Child Protection (Working with Children) Act 2012. A current Working with Children Check is required for all child-related work.

6.6 Training and Induction

Keeping children safe is everyone's responsibility. All staff are made aware of Council's commitment to child safety in their First Day Induction and Corporate Induction.

All staff and volunteers who work with children are to hold appropriate qualifications. Ongoing training will be provided to staff and volunteers to ensure skills and knowledge relevant to the safety of children are kept current.

All staff and volunteers who work with children are designated as Mandatory Reporters and are to be informed of their responsibilities as a Mandatory Reporter as part of their departmental induction process.

6.7 Reporting a child safety concern or complaint

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

All reportable allegations of child abuse against a Council employee must be reported to Council's Child Protection Coordinator (Manager People, Safety and Performance) or Manager Customer Experience.

Allegations can be reported by children or young people, families, Councillors, employees, contractors and/or volunteers. Council must immediately take the appropriate steps to assess and minimise any further risk of harm, as well as report the matter to the relevant oversight agencies and/or NSW Police. Council will support relevant authorities' investigations into allegations of harm or abuse of a child or a young person.

Council will meet its mandatory reporting obligations and will take action to protect children and young people at risk of significant harm.

6.8 Privacy and confidentiality

Council is committed to protecting an individual's right to privacy. All personal information considered during the process of reporting and/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 disclosure.

6.9 Risk Management

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

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

6.10 Roles and Responsibilities

Council

Publicly commits to child safety and embeds a child safe culture.

Employees

It is the Employee's responsibility to:

- Be familiar with procedures related to child protection and apply their associated responsibilities;
- Hold a valid Working with Children Check (WWCC) if it is required for their work;
- Comply with requests to attend Child Protection or Child Safe Environment training; and
- Report any conduct in line with Council's Reportable Conduct Procedures (HPE 20/140661).

General Manager

The General Manager is responsible for ensuring that Council fulfils 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.

The General Manager must ensure that Woollahra Council has systems in place to:

- prevent and detect reportable conduct by employees;
- require employees of Woollahra Council to give a report, as soon as possible, in relation to a reportable allegation or reportable conduct; and
- enable people outside of Woollahra Council to report any allegation or conviction considered to be a reportable conviction involving an employee of Woollahra Council.

The General Manager will nominate a Child Protection Coordinator and delegate responsibilities to that member of staff.

Executive Leadership Team (General Manager, all Directors)

It is the Executive Leadership Team's responsibility to:

- Support the General Manager in fulfilling their responsibilities;
- Create and maintain a culture where children's rights and safety are prioritised;
- Lead by example through demonstrating attitudes and behaviours that prioritise children's safety;
- Support the implementation of and ongoing compliance with the Office of the Children's Guardian Child Safe Standards; and
- Actively ensure compliance with this Policy.

Child Protection Coordinator

It is the Child Protection Coordinator's responsibility to:

- Respond to allegations of reportable conduct concerning employees of Woollahra Council having regard to procedural fairness and in line with Council's Reportable Conduct Procedure (HPE Ref 20/140661);
- Inform the General Manager of allegations of reportable conduct;
- Work closely with the General Manager to investigate and report allegations of reportable conduct concerning employees of Woollahra Council,
- Advise the General Manager of any issues or barriers affecting the organisation's ability to ensure the safety and welfare of children and young people; and
- Provide advice and support to all employees who may have questions about Child Protection.

Managers

It is the Manager's responsibility to:

- Be familiar with policies and procedures related to child safety and protection and ensure that team members are aware of such policies and procedures and their related responsibilities;
- Ensure that the safety of children is paramount when designing and developing Council events, programs and activities. This includes ensuring:
 - those who are working with children have undertaken a Working with Children Check (WWCC),
 - event spaces allow for adequate supervision of children at all times,
 - employees are not required to be alone with children as part of their role,
 - that the needs of child participants, including work experience students, are considered in any Council program, and
 - ensure Child Safe Risk Management Plans are in place.
- Follow reporting procedures and uphold professional standards for staff relationships with children, young people and families;
- Advise Human Resources of any new roles, including volunteering opportunities which may be deemed child-related employment prior to recruitment commencing;
- Ensure that position descriptions are kept up to date with regard to child-related work responsibilities;
- Ensure that existing employees in child-related employment have a valid Working with Children Check; and
- Ensure that employees are aware of their responsibilities should they be working with a person under the age of 18.

- In engaging contractors ensure Council's commitment to child safety is communicated

People, Safety & Performance

It is the responsibility of the People, Safety & Performance section to:

- Conduct a Working with Children Check (WWCC) verification on identified applicants before offering a preferred applicant any child-related employment;
- Ensure that those who are engaged in child-related employment are appropriately qualified and experienced in their field;
- Keep a Working With Children Check register and records relating to clearance;
- Ensure that "Clearance to work with children as required under the Working with Children Check" is included as an essential selection criterion for all positions identified as child related employment;
- Provide Child Protection training to ensure that employees are able to identify and respond to children and young people at risk of harm;
- Support learning and development to increase organisational capability to respond to the needs of, and reduce the risk of harm to, children and young people, by providing Child Safe Environment training;
- Work closely with Managers to identify roles requiring a Working with Children Check and those who are Mandatory Reporters;
- Provide support and information regarding the protection of children and young people employed by Council or receiving the services of Council; and
- Cover the cost of renewing a Working with Children Check if it is a requirement for an employee's role at Council.
- Record any incidents reported through a submission of Child Safe Incident Report Forms (21/167708) in Council's Child Safe Incident Register.
- Maintain Council's Child Safe Incident Register and analyse child safe practices to identify causes and systematic failures and to inform continuous improvement. Report to ELT quarterly.

7 Documentation/References

	HPECM Reference
Child Safe Code of Conduct	23/35846
Child Safe Risk Management Guidelines	

8 Related Policies and Procedures

	HPECM Reference
Reportable Conduct (Child Protection) Procedure	20/140661
Child safe Incident Report Form	21/167708
Recruitment and Selection Policy	18/172599

This Policy will be reviewed every two years or in accordance with legislative requirements. Any amendment (other than minor administrative amendments) to this Policy must be by way of a Council Resolution. Administrative amendments can be made with the approval of the General Manager.

9 Policy Amendments

Date	Responsible Officer	Description

DRAFT