



# LACHLAN SHIRE COUNCIL

## CHILD SAFE POLICY

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# 1. BACKGROUND

Councils, as leaders in the community and providers of spaces and services which children and young people access, have a responsibility to ensure councils are child safe institutions.

The Children’s Guardian Amendment (Child Safe Scheme) Bill 2021 passed on the 10 November 2021 initiates new responsibilities for all council staff, volunteers and councillors to protect and listen to their youngest residents and workers.

A key outcome of reforms has been the adoption in NSW of the 10 Child Safe Standards, and subsequent legislation.

Lachlan Shire Council (council) is committed to being a child safe organisation by being compliant with the Child Safe Standards

Council believes that the safety and wellbeing of children and young people is everybody’s business.

Council supports the rights of children and young people and is committed to their care and protection.

Council support and respect all children and young people who live, visit, learn and play within our Shire. Council strive to ensure our community is a place where all are valued, respected and above all safe.

Council is committed to providing a safe and healthy workplace for everyone which demonstrates a commitment to the care and protection of children and young people.

# 2. SCOPE

This policy applies to all Councillors (Elected Members), Council employees (including full-time, part-time, casual, temporary or fixed term agency staff, students on placement, volunteers, facility hirers, lessees, contracted service providers (see Definitions), and grant recipients delivering services involving child-related work, either on behalf of or in conjunction with Council.

# 3. OBJECTIVE

The purpose of this Policy is:

- 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 professional and legal 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 promote the health, safety, welfare and wellbeing of children and young people.

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- To ensure that Council provides a safe environment for children and young people whilst on Council premises and utilising Council services.
- To ensure that Council is implementing best practice approaches to child protection, and in this regard is responding to recommendations from the Royal Commission that affect Local Government.

## 4. DEFINITIONS

Term	Definition
<b>Abuse</b>	A term used to refer to different types of harm or maltreatment. In this document it refers to types of harm that children and young people experience, including; physical or psychological harm, sexual assault, and exposure to domestic violence, neglect.
<b>Agency Staff</b>	Temporary staff engaged by Council through a labour hire agency. For the purpose of this policy agency staff are considered employees.
<b>Allegation</b>	A report of any conduct needs to be proven. 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 is required to be investigated by Council.
<b>Child /Young Person</b>	A person aged 0 - 18 years.
<b>Child Safe Working Party</b>	Lachlan Shire Council’s team made up of representatives from across Council, who oversee the identification, implementation and creation of policies procedures and actions that enable Council to meet its objectives as a Child-Safe Organisation.

Term	Definition
<b>Child Related Work</b>	<p>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, which include:</p> <ul style="list-style-type: none"> <li>• Education and care and child-minding services</li> <li>• Clubs or other bodies providing programs and services for children</li> <li>• Entertainment of children – includes sporting, cultural or other entertainment venues used primarily by children and entertainment services for children</li> <li>• Transport services for children – including school bus services, taxi services for children with a disability and supervision of school road crossings</li> </ul> <p>It may also include a worker who has access to confidential records or information about children.</p>
<b>Child Safe Officer</b>	<p>Child Safe Officer provides guidance, support and advice to the person who raised the concern. They will ensure that all proper reporting processes are adhered to in relation to any child safety concerns or allegations of abuse within.</p>
<b>Council Employee</b>	<p>Any person engaged in work for or provide services on behalf of Council, including:</p> <ul style="list-style-type: none"> <li>• full-time, part-time, casual, temporary, temporary and fixed term employees</li> <li>• Agency staff</li> <li>• volunteers</li> <li>• Students on placement, and</li> <li>• for the purpose of this Policy, Councillors.</li> </ul>
<b>Contracted Service Provider</b>	<p>An organisation or entity contracted to provide goods, services or programs involving child-related work on behalf or in conjunction with Council, where that entity has been engaged as a result informal and formal procurement processes such as Request for Quotations (RFQs), Tenders, Expression of Interest (EOIs) and one-off or standing purchase orders.</p>

Term	Definition
<b>Direct Contact</b>	Means physical or face-to-face contact and contact online.
<b>DCJ</b>	Department of Community and Justice is the NSW Government Agency responsible for the care and protection of children and young people
<b>Ill-treatment of a Child</b>	<p>Means conduct towards a child that is unreasonable, inappropriate, improper, inhumane or cruel.</p> <p>Ill- treatment includes:</p> <ol style="list-style-type: none"> <li>1. Making excessive demands or degrading demands of a child</li> <li>2. A pattern of hostile or degrading comments or behaviours towards a child</li> <li>3. Using inappropriate forms of behaviour management towards a child</li> </ol>
<b>Investigation (of Reportable Allegations or Conduct)</b>	<p>The process in which Council;</p> <ul style="list-style-type: none"> <li>• Gathers all relevant facts</li> <li>• Manages risks to children, employees and the organisation during an investigation</li> <li>• Makes an assessment as to whether an allegation is reportable under the Reportable Conduct Scheme</li> <li>• Notifies the Children’s Guardian of the Reportable Allegation or conduct</li> <li>• Makes a finding of Reportable Conduct including whether an allegation is sustained or not, and</li> </ul> <p>Provides information to assist any relevant employment proceedings.</p>
<b>Mandatory Reporters</b>	People who deliver services, wholly or partly, to children as part of their professional work. This is regulated by the <i>Children and Young Persons (Care and Protection) Act 1998</i> . This includes, but is not limited to, professionals in: healthcare; welfare; education, children’s services; residential services; and, law enforcement.

Term	Definition
<b>MRG</b>	<p>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.</p> <p><a href="https://reporter.childstory.nsw.gov.au/s/">https://reporter.childstory.nsw.gov.au/s/</a></p>
<b>Neglect</b>	<p>A term used to refer to a pattern characterised when a parent or caregiver cannot, or does not, 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.</p>
<b>Reportable Conduct</b>	<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"> <li>a) A sexual offence,</li> <li>b) Sexual misconduct,</li> <li>c) Ill-treatment of a child,</li> <li>d) Neglect of a child,</li> <li>e) An assault against a child,</li> <li>f) Failure to reduce or remove the risk of a child becoming a victim of abuse or concealing child abuse,</li> <li>g) Behaviour that causes significant emotional or psychological harm to a child,</li> </ul> <p>Examples of indicators of significant emotional or psychological harm in respect of paragraph (g) include:</p> <ul style="list-style-type: none"> <li>1) Displaying behaviour patterns that are out of character,</li> <li>2) Regressive behaviour,</li> <li>3) Anxiety or self-harm.</li> </ul>

Term	Definition
<b>Risk of Significant Harm</b>	Concerns 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 in 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 via the Child Protection Helpline on 132111
<b>Students on Placement</b>	Any person undertaking practical training as part of an educational or vocational course (other than as a high-school student undertaking work experience).
<b>WWCC</b>	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.

## 5. POLICY IN BRIEF

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 on them. All staff, councillors, volunteers, students and persons undertaking work experience, agency staff, contractors suppliers and grant recipients delivering services involving child related work 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.

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## 6. PRINCIPLES

This Policy reflects Councils commitment to:

- The Office of the Children’s Guardian *Child Safe Standards* identified by the Royal Commission (2017):
  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 United Nations *Convention on the Rights of the Child* (1990).

## 7. RECRUITMENT AND EMPLOYEE CONDUCT AND TRAINING

The following additional requirements apply:

### 7.1 Recruitment and Employment

Council will meet legal requirements to ensure that only people with valid Working with Children Checks are engaged in child-related work. The Working with Children Check 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.

The General Manager is responsible for ensuring that all recruitment and employment procedures are carried out in accordance with the *Child Protection (Working with Children) Act 2012*, *Child Protection (Working with Children) Regulation 2013* (NSW), *Child Protection (Working with Children) Amendment (Statutory Review) Act 2018* (NSW)

### 7.2 Council Employee Conduct

All Council Employees have a responsibility to adhere to this Policy and associated procedures, the Council’s *Code of Conduct* and the *Child Safe Code of Conduct – Employees* (which outlines acceptable behaviour).

Council employees who are required to hold a Working with Children Check for the purposes of their work, must adhere to the Child Safe Code of Conduct at all times, both while at work and when not at work.

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Breaches of the *Child Safe Code of Conduct – Employees* can lead to disciplinary action up to and including termination of employment.

### 7.3 Reporting and Responding to child safety concerns

Information outlining how a child, parent or family member, or community member can make a complaint will be provided in all of Council’s staffed community facilities and on Council’s website. All Council employees must comply with legal requirements and adopted procedures and report known, suspected or alleged child abuse, misconduct or inappropriate behaviour.

If an allegation of abuse, inappropriate behaviour, misconduct or a safety concern is raised, Council will:

- Ensure that processes for responding to alleged abuse and misconduct are fair and focus on child safety
- In the event that a Council employee poses a serious risk of abusing a child or a young person, will remove or reduce the risk to the child or young person
- Provide reports and/or progress updates to the relevant authorities and where appropriate people involved in any incident
- Provide support or make referrals for support to alleged victims, their families and affected Council employees, such as helping them understand their rights and the process that will be followed in responding to allegations of reportable conduct, and assistance in accessing counselling or other support as required, and
- Undertake timely reviews of organisational child safety policies, procedures and/or relevant child safety risk management plans.

### 7.4 Records management

Confidentiality will be maintained for all records and information relating to child safety and protection matters. All child safety and protection records will be maintained in secure electronic files and access will be strictly controlled.

## 8. ROLES AND RESPONSIBILITIES

Roles and responsibilities under this policy apply to all Council staff, Councillors (Elected Members), contractors, work experience participants, volunteers, facility hirers and lessees, agency staff, students of placement, contracted service providers (see Definitions), and grant recipients delivering services involving child-related work, either on behalf of or in conjunction with Council.

It is the responsibility of all Council Managers to ensure this policy and associated procedures are applied, in accordance with relevant legislation.

The General Manager must ensure the organisation implements the Child Safe Standards through systems, policies and processes.

All Staff shall adhere to their responding and reporting responsibilities and act when a child is at risk of significant harm.

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Council publicly commits to child safety and embeds a child safe culture.

### 8.1 Child Safe Officer (Manager Human Resources)

This role is responsible for:

- Provide ongoing support and response to concerns about safety and wellbeing of children while engaged in services, programs or events delivered by Council.
- To notify the Office of the Children’s Guardian (NSW) when an allegation (of which they are aware) of child abuse is made against a Councillor, employee, volunteer or contractor.

### 8.2 Lachlan Shire Council Child Safe Reporting Process

Call 000 if a child is in immediate danger

Members of the community can report to any Council employee who will then advise the Child Safe Officer (Manager Human Resources).

Internal staff report directly to their supervisor or to the Child Safe Officer (Manager Human Resources)

Otherwise direct contact can be made via NSW Child Protection Helpline 132 111

As soon as becoming aware of an instance of reportable conduct the Child Safe Officer must report the matter to the General Manager.

Council will take appropriate steps to assess and minimise any further risk of harm as well as report the matter to the relevant agencies.

## 9. FURTHER INFORMATION

Further information about this policy can be obtained by contacting Council’s Manager Human Resources

## 10. RELATED DOCUMENTS

Related LSC policies include:

- Lachlan Shire Council Commitment Statement
- Code of Conduct for Council Staff
- Lachlan Shire Council Code of Conduct for Councillors
- Lachlan Shire Council Child Safe Code of Conduct - Employees
- Lachlan Shire Council Records Management Policy
- Lachlan Shire Council Volunteer Policy
- LSC Child Safe Reporting Process

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Related Legislation includes

- Mandatory Reporter Guide (MRG) 2010
- National Framework for Protecting Australia’s Children 2009-2020
- Royal Commission into Institutional Responses to Child Sexual Abuse (2017)
- The United Nations Convention on the Rights of the Child (1990)
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Child Protection (Working with Children) Amendment (Statutory Review) Act 2018 (NSW)
- Children and Young Persons (Care and Protection) Act 1998
- Children’s Guardian Act 2019
- Civil Liability Amendment (Organisation Child Abuse Liability) Act 2018
- Ombudsman Act 1974 (NSW)
- Privacy and Personal Information Protection Act 1998
- Crimes Act 1900
- NSW Child Safe Standards
- United Nations Convention on the ‘Rights of the Child (1990)

Nothing in this policy limits any applicable legislation.

## 11. RIGHT TO VARY OR TERMINATE

Council reserves the right to vary this policy at any time.

Greg Tory

GENERAL MANAGER

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