



# **CHILD SAFE POLICY P3.0147.4**

# CHILD SAFE POLICY

**DIRECTORATE:** Sport, Community and Activation

**BRANCH:** Community Outcomes

**CATEGORY:** 1

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## 1. Purpose

- 1.1. This Policy outlines Council's commitment to child safety and protection, as a whole community and organisation responsibility.
- 1.2. The purpose of this Policy is to provide guidance on key responsibilities and practices in relation to child safety and protection at Council.

## Commitment Statement

*"Camden Council has a zero tolerance of child abuse and mistreatment in our organisation. Council is committed to fostering a child safe culture and environment, where the safety, wellbeing and participation of all children and young people is paramount. We endeavour to lead a community where children and young people feel safe, heard, and are believed."*

*Council invests in the development of our staff and volunteers to ensure the Child Safe Standards are embedded in our everyday practices, so that children and young people feel empowered, safe, and protected."*

## 2. Alignment with Community Strategic Plan

- 2.1. Council's Community Strategic Plan 2036 identifies five key directions to guide Council towards achievement of the vision for Camden to 2036 that "Camden is a connected, diverse, and thriving community, embracing opportunities of growth, while valuing our rich heritage and protecting and sharing responsibility for our natural environment". The following objectives and strategies are applicable to this Policy:
  - W1.1 - Support initiatives that build and foster community cohesion
  - W1.4 - Provide opportunities for residents and groups to participate in local decision making
  - W2.1 - Promote and facilitate programs and services that support good community health and wellbeing
  - W3.1 - Implement programs targeting key community safety concerns

- W3.3 - Address community needs through the provision of services and facilities targeting specific user groups
- L1.2 - Build and strengthen partnerships across Government and Industry
- L1.3 - Conduct business on behalf of Council in an open, transparent and consistent manner
- L2.2 - Council builds opportunities for continuous improvement through service delivery, reflective of need

### **3. Scope**

- 3.1. This policy applies to all Councillors and workers of Council, including all current workers engaged in child-related work and workers who have occasional, incidental interactions with children, within their scope of work

### **4. Objectives**

- 4.1. The main objectives of this Policy are to:

- To make clear Council's commitment to fulfilling its role in the safety and protection of children and young people from abuse and risks to their health, safety and welfare, and to ensure Council is, as far as is reasonably practicable a child-safe organisation and manages the risks associated with caring for children
- To prevent, minimize and manage the risks associated with working with children
- To provide clear guidelines to all workers, including workers in child-related work and incidental child-related work, about their obligations in relation to the applicable legislation
- To ensure Council meets its notification and reporting obligations under the applicable legislation
- To assist Council in selecting and maintaining a workforce comprising of persons suitable for employment in child-related work. To provide clear guidelines to all applicants for positions in child-related work as to their obligations under the applicable legislation
- To assist Council in embedding Child Safe Standards in practices across Council
- To ensure the ongoing implementation, monitoring and periodic evaluation of the Child Safe Standards across Council

## 5. Policy Statement

- Child safety and protection is a community responsibility that requires cooperation between Council, various government agencies and the community. This policy was developed in response to a range of NSW child protection legislation as well as the Child Safe Scheme
- Following the Royal Commission into Institutional Responses to Child Sexual Abuse, recommendations were made by the Royal Commission for NSW Organisations to implement and adhere to. This requires Council to implement the 10 Child Safe Standards under the Child Safe Scheme
- There are four key pieces of applicable legislation, which are designed to be complementary however have a different focus with different key agencies overseeing them

### 5.1. **Ombudsman Act 1974:**

- 5.1.1. It applies to all employees of Council, regardless of whether or not they work with children
- 5.1.2. The key issues for Council arising from this Act is referral of complaints about public authorities for investigation
- 5.1.3. The key agency is the NSW Ombudsman

### 5.2. **Child Protection (Working with Children) Act 2012 (and the related Child Protection (Working with Children) Regulation 2013):**

- 5.2.1. It applies to workers in child-related work
- 5.2.2. The key issue for Council arising from this Act is ensuring compliance with the child-related work clearance process
- 5.2.3. The key agency is the Children's Guardian

### 5.3. **Children's Guardian Act 2019:**

- 5.3.1. It applies to organisations in New South Wales, guiding child safe practices
- 5.3.2. The key issues for Council arising from this Act is ensuring the Child Safe Scheme, Child Safe Standards and recommendations from the Royal Commission are implemented and monitored at Council, and adhering to the *Reportable Conduct Scheme*
- 5.3.3. The key agency is the Children's Guardian

## 6. Roles and Responsibilities

Community Planning and Development are the responsible owners of this policy. The Child Safety Officer, as the responsible manager of the policy will:

- *Maintaining records*

- *Reporting*
- *Keeping the policy current*
- *Investigating breaches and enforcing compliance*
- *Implementing communications, education and monitoring strategies*
- *Providing a point of contact about the meaning and application of the policy.*

### **6.1. Council**

- Not permit 'barred', 'interim-barred' or 'not found' persons to engage in child-related work
- Require adult persons engaged in child-related work to have a WWCC clearance and to renew this clearance every five years or as otherwise amended by legislation
- Reimburse employees engaged in child-related work for the cost of WWCC
- Maintain a Child Safety Working Group to implement the Child Safe Standards and maintain compliance
- Ensure all employees undergo Child Safety Code of Conduct training and identified child-related positions undergo child protection and safety training
- Ensure all contractors and volunteers engaged in child-related work will undergo Child Safety Code of Conduct training

### **6.2. The General Manager**

The General Manager is deemed 'Head of a Relevant Entity' (HRE) under the *Children's Guardian Act 2019* in relation to the *Reportable Conduct Scheme*. The HRE can delegate some or all duties to another suitable employee within the organisation, however ultimately accountable for obligations being met.

- Ensure the effective implementation of this Policy and associated procedures
- Ensure the Children's Guardian are notified of any reportable allegation or conviction within seven business days, provide an interim report at 30 days if necessary and provide an entity report at conclusion of investigation. The report is to include details of: reportable allegations or reportable convictions against an employee within 30 days of becoming aware of them, the disciplinary action taken and why, and any written submission made to Council concerning a reportable allegation or reportable conviction that the employee wishes to have considered in determining what (if any) disciplinary actions should be taken.

### **6.3. Managers and Team Leaders**

- In consultation with People, Learning and Culture, identify positions requiring a WWCC
- Ensure current and prospective child-related employees have the necessary WWCC clearance
- Ensure relevant recruitment and selection processes relate and adhere to WWCC requirements
- Notify People, Learning and Culture of identified Mandatory Reporter positions within Council
- Identify positions within teams that require child protection/safety training
- Ensure a culture of prioritizing children's safety and wellbeing is at the forefront of practices across Council

(Note: the WWCC is valid for five years or as otherwise amended by legislation)

### **6.4. People, Learning and Culture**

- Collect, record and store WWCC information in accordance with Council's Privacy Management Plan and any other relevant legislative requirements
- Monitor and record renewal dates for the WWCC for all existing, new and prospective employees and communicate to relevant managers when WWCC are required
- Work with Managers/Team Leaders to identify positions that are child-related work
- Report to the Children's Guardian, on behalf of the 'Head of a Relevant Entity'
- People, Learning and Culture will conduct an investigation as necessary if a reportable allegation or conviction has been made against a Council employee or Councillor

### **6.5. Workers in child-related work and mandatory reporters**

- Hold a current WWCC prior to engaging in work in any child-related work
- Ensure the renewal of their WWCC when it expires
- Advise of any relevant change of circumstance relating to their WWCC
- Report concerns that a child or young person is at risk of significant harm to the Child Protection Helpline in consultation with their Team Leader/Manager, in accordance with the Child Safety Procedure
- Maintain confidential records of the Mandatory Report Guide outcome, Child Protection Helpline reports and all other correspondence relating to the child or young person at risk of significant harm

### **6.6. The Volunteer Coordinator**

- Ensure all volunteers hold a WWCC, where necessary
- Collect, record and store WWCC information in accordance with Council's Privacy Management Plan and any other relevant legislative requirements
- Monitor and record renewal dates for the WWCC for all existing, new and prospective volunteers, and communicate to relevant managers when WWCC renewals are required
- Ensure all existing and new volunteers undergo relevant Child Safety training

### **6.7. All Workers**

- Consult with their Team Leader/Manager/Volunteer Supervisor and/or Child Safety Officer in accordance with the Child Safety Procedure should they have concerns for a child at risk of significant harm
- Have the right and ability to contact the Child Protection Helpline should they have a concern and/or enquiry about a child at risk of significant harm
- Inform direct line Manager/Director or People, Learning and Culture of any reportable conduct allegations or convictions against a worker
- When engaging contractors, ensure the relevant WWCC takes place if contractor is working in a direct child facing capacity

## **7. Reporting and Record Keeping**

Reporting obligations required under this Policy are in relation to Child Protection reports and the Reportable Conduct Scheme, under the *Children's Guardian Act 2019*.

### **7.1. Reporting obligations – Reportable Conduct Scheme**

- All employees involved in the reporting or investigating of allegations of reportable conduct shall be mindful of the sensitive nature of the issue and take all reasonable steps to maintain confidentiality and respect the privacy of those involved. Nothing in this statement is to be taken as mitigating against the obligation of employees to report incidents or allegations of reportable conduct
- All information relating to investigations will be secured by People, Learning and Culture separately from personnel files unless the investigation results in discipline action, in which case pertinent information will be held on the relevant personnel file
- Report to the Children's Guardian, on behalf of the 'Head of a Relevant Entity,' if a reportable conduct allegation or conviction has been reported where an employee has been found to have, or alleged, to engage in misconduct involving children

- All records of investigations and findings under this Policy must be kept for future reference and retained confidentially
- Employees who breach confidentiality will be subject to disciplinary action

## **7.2 Reporting obligations – Department of Communities and Justice**

- Mandatory reporters must report concerns for a child at risk to significant harm to the Child Protection Helpline
- All members of the public, including non-mandatory reports are lawfully entitled to make a report via the Child Protection Helpline
- If Council non-mandatory reporter worker have concerns for a child at risk of significant harm, they are obligated to contact the Council Child Safety Officer

## **7.3 Record Keeping**

- Any Mandatory Reporter worker making a Child Protection Helpline must record the Mandatory Reporter Guide Outcome, e-reports, and electronic communication regarding reporting a child at risk of significant harm
- Records must be captured into an approved recording keeping system, according to the business rules, naming conventions and procedures. Records are not to be kept in email folders, shared drives, personal work drives, hard drives, USB, CD or n any other uncertain location
- Worker's must ensure personal information is only ever shared with authorised individuals
- When collecting, using or disclosing personal information about an individual, all workers must familiarise themselves with:
  - Council's Privacy Management Plan
  - Information Protection Principles (within the *Privacy and Personal Information Protection Act 1998*)
  - Health Principles (within the *Health Records and Information Privacy Act 2002*)
- Disposal of records and information in any format or held in any location, system application must comply with the State Records Act NSW 1998. Refer to Records and Information Management Policy and Standard

## **8. Evaluation**

8.1 The success of this Policy will be measured by

- No reported breaches of this Policy
- Council is compliant with the Child Safe Scheme



- All individuals engaged by Council are compliant with the Child Safe Code of Conduct
- All individuals engaged by Council to undertake training relevant to the nature of their work at Council **Review**

9.1. This Policy will be reviewed every three years or more frequently as required.

## 10. Definitions

<b>Applicable Legislation</b>	Means applicable child protection legislation and includes the following (as may be amended from time to time): <ul style="list-style-type: none"> <li>• <i>Children and Young Persons (Care and Protection) Act 1998.</i></li> <li>• <i>Child Protection (Working With Children) Act 2012</i> (and the related <i>Child Protection (Working With Children) Regulation 2013.</i></li> <li>• <i>Ombudsman Act 1974.</i></li> <li>• <i>Children’s Guardian Act 2019</i></li> </ul>
<b>At Risk of Significant Harm</b>	As defined in the <i>Children and Young Persons (Care and Protection) Act 1998</i> . Generally, it means a child or young person in relation to whom there are current concerns for their safety, welfare or well-being because of the presence, to a significant extent, of any one or more of the circumstances outlined in that Act
<b>Child</b>	A person under the age of 18 years
<b>Child Protection Helpline</b>	is the NSW phone number to which reports of child abuse and neglect are made. The Child Protection Helpline (13 21 11) is run by the Department of Communities and Justice
<b>Child-related work</b>	means the same as defined in accordance with the <i>Child Protection (Working With Children) Act 2012</i> and is any work deemed by Council to be child-related in accordance with that Act.

<b>Child Safe Scheme</b>	Refers to the requirement for organisations under the Child Safe Scheme to implement the Child Safe Standards through systems, policies and processes. The Child Safe Scheme was developed following the Royal Commission into Institutional Responses to Child Sexual Abuse. Local councils are defined as organisations under the Scheme
<b>Child Safe Standards</b>	<p>The 10 standards outlined by Children’s Guardian in the Child Safe Scheme. The standards are:</p> <ol style="list-style-type: none"><li><i>1. Child safety is embedded in organisational leadership, governance and culture</i></li><li><i>2. Children participate in decisions affecting them and are taken seriously</i></li><li><i>3. Families and communities are informed and involved</i></li><li><i>4. Equity is upheld and diversity is taken into account</i></li><li><i>5. People working with children are suitable and supported</i></li><li><i>6. Processes to respond to complaints of child abuse are child focused</i></li><li><i>7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training</i></li><li><i>8. Physical and online environments minimise the opportunity for abuse to occur</i></li><li><i>9. Implementation of the Child Safe Standards is continuously reviewed and improved</i></li><li><i>10. Policies and procedures document how the organisation is child safe.</i></li></ol>
<b>Councillor</b>	Any person elected or appointed to civic office, including the Mayor and includes members and chairpersons of county Councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
<b>Employee</b>	As defined by NSW Ombudsman, a person that’s hired to provide a service to a company either on a full-time, part-time or casual basis in exchange for payment
<b>Entity Report</b>	Is a report completed by the Head of Relevant Entity, with an analysis of the evidence and rationale for findings made about a reportable allegation under the <i>Reportable Conduct Scheme</i>

<b>Incidental Child-Related Work</b>	Means a worker who has infrequent or passing interactions with children during their normal work duties
<b>Mandatory Reporter</b>	Means the same as defined in accordance with the Children and Young Persons
<b>Misconduct involving children</b>	Defined in the <i>Child Protection (Working With Children) Act 2012</i> and includes sexual misconduct committed against, with or in the presence of a child, including grooming of a child, and any serious physical assault of a child
<b>Reportable Allegation</b>	Means the same as defined in the <i>Children's Guardian Act 2019</i> and means an allegation of reportable conduct against a worker or an allegation of misconduct that may involve reportable conduct
<b>Reportable Conduct</b>	Means the same as defined in the <i>Children's Guardian Act 2019</i> and includes: <ul style="list-style-type: none"><li>• The following conduct, whether or not criminal proceeding in relation to the conduct that has been commenced or concluded<ol 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. An offence under section 43B or 316A of the <i>Crimes Act 1900</i></li><li>g. Behaviour that causes significant emotional or psychological harm to a child</li></ol></li><li>• An offence under section 43B (failure to protect) or section 316A of the <i>Crimes Act 1900</i>.</li></ul>
<b>Reportable Conviction</b>	Means the same as defined in the <i>Children's Guardian Act 2019</i> and includes a conviction (including a finding of guilt without the court proceeding to a conviction, in the State of New South Wales or elsewhere, or an offence involving reportable conduct)

<b>Worker</b>	As defined in the <i>Child Protection (Working With Children) Act 2012</i> , any person who is engaged in child related work in any of the following capacities: as an employee, as a self-employed person or as a contractor or subcontractor, as a volunteer, as a person undertaking practical training as part of an educational or vocational course (including students 18 and over)
<b>Working with Children Check (WWCC)</b>	Under the <i>Child Protection (Working with Children) Act 2019</i> , a check completed to authorise a person to engage in child-related work
<b>WWCC Status</b>	Means the classification of an individual and or/WWCC application as detailed in the WWCC Verification System (the system operated and administered by The Children's Guardian for verifying an individual's WWCC status). The status may be one of the following: <ul style="list-style-type: none"><li>• 'Application in progress', which means the individual has completed the application process but that a determination has not yet been made declaring them as cleared</li><li>• 'Cleared' which means the individual has been given a clearance and is cleared to work with children until their WWCC expires</li><li>• 'Barred' which means the individual has been barred and cannot work with children</li><li>• 'Interim barred' which means the individual has been barred and cannot work with children pending the outcome of a risk assessment conducted by the Children's Guardian</li><li>• 'Not found' which means the individual has not been located in the WWCC Verification System (for example, due to incorrect information, an application being withdrawn or terminated without outcome or the application process not being completed)</li></ul>

## 11. Related Materials

### 11.1. Related Legislation

- *Child Protection (Working With Children) Act 2012*
- *Child Protection (Working With Children) Regulation 2013*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Children's Guardian Act 2019*

- *Government Information (Public Access) Act 2009*
- *Local Government (State) Award 2023*
- *Ombudsman Act 1974*
- *Privacy and Personal Information Protection Act 1998*
- *Work Health and Safety Act 2011*

#### **11.2. Related Policies, Procedures and Other Guidance Material**

- Camden Family Day Care Child Protection Policy
- Child Safe Procedure
- Code of Conduct
- Feedback Policy
- Privacy Management Plan
- Recruitment and Selection Policy
- Records and Information Management Policy
- Volunteer Management Policy

## **CHILD SAFE CODE OF CONDUCT**

### **1. Background**

As an authorised employer under the Child Safe Scheme, *Children's Guardian Act 2019*, Council is required to develop and maintain a Child Safe Code of Conduct.

Council's Child Safe Code of Conduct applies to all Council workers, as defined within the Child Safe Policy. This includes all worker's hired by Council, contractors, consultants, volunteers and Councillors. Furthermore, the Child Safe Code of Conduct applies to individuals employed in connection with any work or activities of Council directly involving children as well as individuals employed to provide services who do not work directly with children.

Breaches of the Child Safe Code of Conduct can lead to disciplinary action, which may lead to the termination of employment.

Council's Child Safe Code of Conduct should be read in conjunction with the Code of Conduct.

### **2. Child Safe Code of Conduct**

All Camden Council workers must:

- Engage with children and young people in a manner that is respectful and appropriate
- Listen to and encourage children and young people to have their voices heard
- Response appropriately to concerns or reports of a child at risk of significant harm as outlined in the Child Safe Procedure
- Report and respond to any misconduct or inappropriate behaviour by other Council workers towards children and young people as outlined in the Child Safe Procedure
- Contact the Police if a child or young person is at immediate risk of harm/abuse
- Take all reasonable steps to protect and prevent children and young people from being harmed
- Model appropriate adult behaviour to children and young people
- Respect the privacy of children, young people and their families by maintaining confidentiality
- Engage in age-appropriate discussions in the presence of children and young people

All Camden Council workers must NOT:

- Engage in any activity involving a child or young person that is likely to harm them physically, emotionally or psychologically
- Initiate unnecessary physical contact with a child or young person

- Engage with children and young people in a way that favours them or develops 'special' close relationships (e.g. grooming behaviours)
- Be alone with a child or young person, unless deemed completely necessary and for a short period of time. If a Council worker is required to be alone with a child or young person, optimally another Council worker is to be notified and the worker and child/young person to be in a visible location
- Do things of a personal nature for a child or young person that they can do for themselves (e.g., changing clothes or toileting)
- Have contact, other than incidental (unplanned) contact, with a child or young person (including online contact) outside of Camden Council's services, programs and activities
- Photograph, video or otherwise record children or young people without the consent of the children and their parent or guardian

All Council workers with a Working with Children Check (WWCC) and Mandatory Reporters must:

- Act in accordance with relevant legislation, including:
  - *Children and Young Persons (Care and Protection) Act 1998*
  - *Child Protection (Working with Children) Act 2012* (and the related *Child Protection (Working with Children) Regulation 2013*)
- Fulfill reporting requirements and obligations in response to allegations, disclosure or behaviours that indicates a child or young person is at risk of significant harm
- Maintain their WWCC in line with their terms of employment
- Act in accordance with the Child Safe Code of Conduct outside of work, noting that their behaviour may be subject to the Reportable Conduct Scheme

<b>Approval and Review</b>	
<b>Responsible Branch</b>	Community Outcomes
<b>Responsible Manager</b>	Manager Community Outcomes
<b>Date Adopted</b>	Council – 14/11/2023
<b>Version</b>	4
<b>EDMS Reference</b>	19/94670
<b>Date of Next Review</b>	30/11/2026

<b>Version Control</b>				
<b>Version</b>	<b>Date Adopted</b>	<b>Approved By</b>	<b>EDMS Ref.</b>	<b>Description</b>
1	Dec 2009	General Manager		Initial adoption of policy.
2	Mar 2015	General Manager	15/168058	Minor amendments
3	15/11/2018	ELG	19/94670	Minor amendments and title change from Protection of Children in the Workplace
4	14/11/2023	Council	19/94670	Substantial amendments to reflect legislative changes relevant to the child safe standards implementation.





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