

## CHILD SAFE STANDARDS

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**Responsible Position** Director Community, Culture and Places

**Branch** Community Services

**Division** Community, Culture and Places

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Document Revision History	
Description	Date
<b>Notes</b>	

## **POLICY**

### **PURPOSE**

The policy informs Councillors, employees, contractors and volunteers of their obligations in keeping children safe, specifically this Policy is to:

- *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.*
- *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 into Institutional Responses to Child Sexual Abuse (2017) that affect Local Government.*

The policy will inform Council policies, strategies and actions that align with the continual enhancement of child safety in all Council activities.

### **Commitment to child safety**

Council is committed to protecting children and young people their right to be respected, empowered and safe. Council is dedicated to listening to their views and committed to it's responsibilities in keeping them safe.

### **BACKGROUND AND RELATED LEGISLATION**

This policy complies with and supports implementation and compliance with the following policies and instruments, but is not limited to:

Advocate for Children and Young People Act 2014

Child Protection (Offenders Prohibition Orders) Act 2004

Child Protection (Offenders Registration) Act 2000

Child Protection (Working with Children) Act 2012

Child Protection (Working with Children) Regulation 2013

Children and Young Persons (Care and Protection) Act 1998

Children and Young Persons (Care and Protection) Regulation 2012

Children’s Guardian Act 2019  
 Environmental Planning and Assessment (EPA) Act 1979  
 Government Information (Public Access) Act 2009  
 Ombudsman Act 1974  
 Privacy and Personal Information Protection Act 1998  
 State Records Act 1998  
 The NSW Local Government Act (1993)  
 Young Offenders Act 1997.

## SCOPE

This policy applies to all Council staff, Councillors (Elected Members), contractors and subcontractors, work experience participants, volunteers, students on placement, Family Day Care Educators and the adults that live in their home, Rainbow Cottage, communities for children, children and youth programs, community events, facility hirers and leasees.

## DEFINITIONS

Term	Meaning
<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 which is required to be investigated by Council.
<b>Assault of a Child</b>	Assault of a child means— a. the intentional or reckless application of physical force without lawful justification or excuse, or b. any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence. It includes hitting, striking, kicking, punching or dragging a child as well as threatening to physically harm a child.
<b>Child / children</b>	A child is a person aged 16 years or under.
<b>Child-Related Work</b>	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 20 legislated categories of child-related work, which include: <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 for 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>

Term	Meaning
	It may also include a worker who has access to confidential records or information about children.
<b>Direct contact</b>	Means physical or face-to-face contact, and contact online.
<b>Disqualified Person</b>	A person convicted of, or subject to proceedings relating to, any offence(s) prescribed in Schedule 2 to the <i>Child Protection (Working with Children) Act 2012</i> .
<b>Entity Report</b>	A report required to be submitted by Council to the NSW Office of the Children’s Guardian in relation to all investigations into reportable allegations, conduct or convictions conducted by the Council
<b>Head of Entity</b>	The Chief Executive Officer of the Dubbo Regional Council.
<b>Ill-treatment of a Child</b>	<p>Means conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel.</p> <p>Ill-treatment includes:</p> <ol style="list-style-type: none"> <li>1. making excessive or degrading demands of a child</li> <li>2. a pattern of hostile or degrading comments or behaviour 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 the Dubbo Regional 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</li> <li>• provides information to assist any relevant employment proceedings.</li> </ul>
<b>Mandatory Reporter</b>	<p>A mandatory reporter is:</p> <ol style="list-style-type: none"> <li>a. a person who, in the course of their professional work or other paid employment delivers health care, welfare, education, children’s services, residential services, or law enforcement, wholly or partly, to children; and</li> <li>b. a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children’s services, residential services, or law enforcement, wholly or partly, to children.</li> </ol>
<b>Neglect of a Child</b>	<p>A significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to a child, by:</p> <ol style="list-style-type: none"> <li>a. a person with parental responsibility for the child, or</li> <li>b. an authorised carer of the child, or</li> <li>c. an employee, if the child is in the employee’s care.</li> </ol> <p>Neglect includes failing to protect a child from abuse and/or exposing a</p>

Term	Meaning
	child to a harmful environment, for example, an environment where there is illicit drug use or illicit drug manufacturing.
<b>Statutory Authority</b>	<p>Include:</p> <ul style="list-style-type: none"> <li>• The NSW Police Force,</li> <li>• a government department or a public authority,</li> <li>• a government school or a registered non-government school or TAFE,</li> <li>• a public health organisation or a private hospital,</li> <li>• a private fostering agency or a private adoption agency,</li> <li>• a designated agency which is a department of the Public Service or an organisation that arranges out of home care,</li> <li>• any agencies that conduct a residential child care centre or a child care service,</li> <li>• any other organisations that have direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children’s services, residential services, or law enforcement, wholly or partly to children.</li> </ul>
<b>Reasonable grounds</b>	<p>An objective basis for suspecting that a child or young person may be at risk of significant harm based on:</p> <ul style="list-style-type: none"> <li>• first hand observation of the child or family,</li> <li>• what the child, parent or another person has disclosed, and</li> <li>• what can reasonably be inferred based on professional training and/or experience.</li> </ul>
<b>Reportable Allegation</b>	<p>A reportable allegation in relation to an employee of Council, means:</p> <ol style="list-style-type: none"> <li>a. if the employee holds, or is required to hold, a Working with Children Check clearance for the purpose of employment with the public authority—an allegation that the employee has engaged in conduct that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee’s employment, or</li> <li>b. if the employee is not required to hold a Working with Children Check clearance for the purpose of employment with the public authority—an allegation that the employee has engaged in conduct that may be Reportable Conduct, unless the conduct is alleged to have occurred outside the course of the employee’s employment with the public authority.</li> </ol>
<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> <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. 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> </ol>

Term	Meaning
	<p>Examples of indicators of significant emotional or psychological harm in respect of paragraph (g) include :</p> <ol 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> </ol>
<b>Reportable Conviction</b>	<p>A conviction, (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.</p>
<b>Risk of Significant Harm</b>	<p>Risk of significant harm is present if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any of one or more of the following circumstances:</p> <ol style="list-style-type: none"> <li>a. the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,</li> <li>b. 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; in the case of a child or young person who is required to attend school in accordance with the <i>Education Act 1990 (NSW)</i> – the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act; or the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,</li> <li>c. 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,</li> <li>d. 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, and/or</li> <li>e. the child was the subject of a pre-natal report under section 25 of the <i>Children and Young Persons (Care and Protection Act) 1998 (NSW)</i> and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report. (This information would only be obtained through an information sharing process with a child health related agency).</li> </ol>
<b>Student on Placement</b>	<p>Any person aged 18 years and over undertaking practical training as part of an educational or vocational course (other than as a high-school student undertaking work experience).</p>
<b>Young Person / People</b>	<p>A person who is aged 17 or 18 years old.</p>

## **POLICY**

### **Background**

The 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 Child Safe Standards are:

Standard 1: Child safety is embedded in organisations leadership, governance and culture

Standard 2: Children participate in decisions affecting them and are taken seriously

Standard 3: Families and communities are informed and involved

Standard 4: Equity is upheld, and diverse needs are taken into account

Standard 5: People working with children are suitable and supported

Standard 6: Processes to respond to complaints of child abuse are child focused

Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

Standard 8: Physical and online environments minimise the opportunity for abuse to occur

Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved

Standard 10: Policies and procedures document how the organisation is child safe.

### **Involving children in decision-making**

Council supports the active participation of children in our services, programs and events. 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.
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Wherever applicable, we inform children and young people about what they can do if they feel unsafe.

### **Recruitment and selection**

Council employs a fit for purpose recruitment and selection process for all direct contact work with a child or young person where contact 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 (WWCC) is required for all child-related work.

## **Training and induction**

Council will meet its training and induction obligations by ensuring that all Councillors, employees, volunteers and contractors are inducted in child safety and understand that child safety is everyone's responsibility. Councillors, employees, volunteers and contractors will be provided with training to support their understanding of Council's commitment to child safety and that everyone has a role to play in safeguarding children.

## **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 Dubbo Regional Council has been, or allegedly been, involved in the harm or abuse of a child or young person.

All reportable allegations of child abuse must be reported to the Manager Community Services (this is Council's Child Protection Officer).

Allegations can be reported by children or young people, families, Councillors, employees, contractors 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 (Department of Communities and Justice / Office of the Children's Guardian) and/or Police. Council will support relevant authorities' investigations into allegations of abuse or risk of harm to children and young people.

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

For the purposes of this policy a child is a person who is 16 years or under, and a young person is 17 or 18 years of age.

See Appendix – Universal Child Safe Reporting Process.

## **Privacy and confidentiality**

Council is committed to protecting an individual's right to privacy. All personal information considered during the process of reporting 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. However, there may be instances where confidentiality is not possible as parties are implied i.e. by process of elimination.

## **Risk management**

Council recognises the importance of a risk management approach to minimising the potential for child abuse or harm to occur 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.

## **RESPONSIBILITIES**

### **Council**

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

### **Chief Executive Officer**

The Chief Executive Officer is responsible for ensuring that Council fulfills 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 Chief Executive Officer is committed to an implementation plan for this Policy.

### **Directors**

Directors are responsible for ensuring compliance with this policy and that all employees, contractors and volunteers are informed, resourced and supported to understand their role in providing a child safe environment.

### **Child Protection Officer - Manager Community Services**

Council's Manager Community Services has been appointed as the Child Protection Officer and their responsibilities are:

- provide ongoing support and response to concerns about the 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.

### **Council employees, contractors and volunteers**

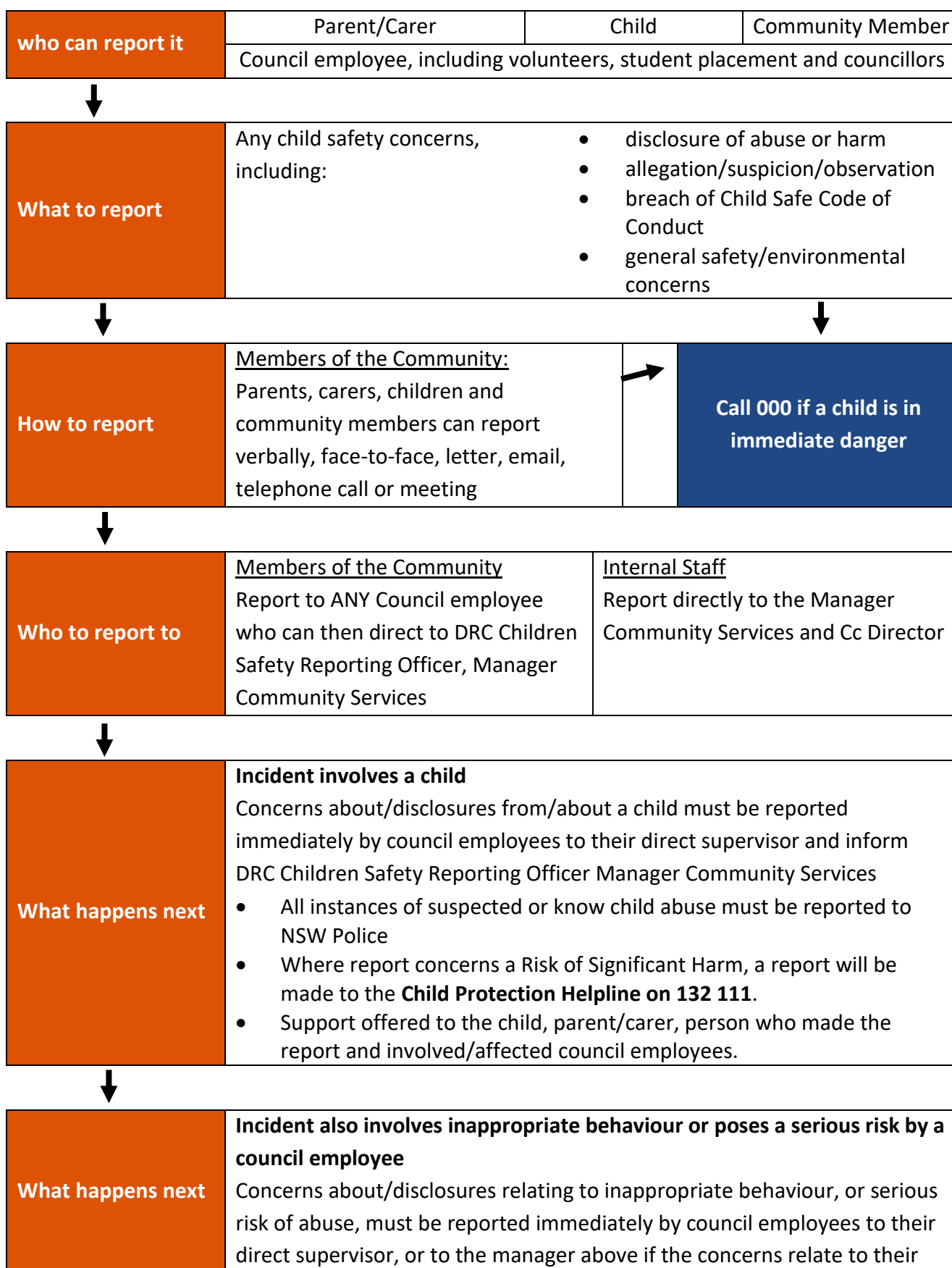
Employees, contractors and volunteers shall adhere to the requirements of this policy, reportable conduct and responding and reporting obligations and be able to demonstrate their awareness of their child safety responsibilities.

All staff should be aware that the appointment by Council of a Child Protection Officer does not remove mandatory reporting obligations that other Officers of Council may have under s27 of the *Children and Young Persons (Care and Protection) Act 1998*.

All staff shall adhere to their responding and reporting and reportable conduct obligations and take action when a child or young person is at risk of significant harm.

**Appendix 1:**

**Universal Child Safe Reporting Process (to be displayed on notice boards and staff areas)**



	<p>direct supervisor.</p> <ul style="list-style-type: none"> <li>• Where the incident involves a serious risk of abuse of a Child by a council employee, protective measures will be put in place by the relevant manager, in consultation with People, Culture and Safety.</li> <li>• People, Culture and Safety will initiate internal processes to clarify the nature of the complaint and disciplinary processes will be commenced (if required).</li> <li>• Where the incident concerned occurred while a Child was under the duty of care of Child and Family Services (CFS), CFS will assess if the incident warrants a report to the Department of Education, and make the report where required.</li> <li>• People, Culture and Safety in consultation with DRC Child Safety Reporting Officer and relevant managers will decide, in accordance with legal requirements and duty of care, whether the matter should/must be report to Police and/or the Child Protection Helpline and make report as soon as possible if required.</li> <li>• People, Culture and Safety with DRC Manager Community Services will assess whether the behaviour is Reportable Conduct, and where appropriate a notification is made to the Office of the Children's Guardian within seven days.</li> <li>• People, Culture and Safety or an independent third party investigator conducts full investigation.</li> </ul>
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<b>Outcome</b>	<ul style="list-style-type: none"> <li>• Investigation completed and outcome decided <ul style="list-style-type: none"> <li>○ Relevant council employees, parent/child notified or community member notified of outcome of investigation.</li> <li>○ Disciplinary action taken (where required); policies, procedures and risk management plans reviewed and updated.</li> </ul> </li> </ul>
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