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Department	Office of the Chief Operating Officer
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## Policy statement / Objectives

In accordance with the Children's Guardian Act 2019 (the Act), councils are required to adopt a Child Safe Policy (Policy) to demonstrate commitment to children's safety. Council is also required to ensure that children and young people are consulted and engaged appropriately in accordance with the Behavioural Standards for Keeping Children Safe (the Standards).

Kiama Municipal Council (Council) is committed to supporting the rights of children and young people and is committed to their care, protection and contribution to our community. Council acknowledges that in NSW, the safety of children and young people is a responsibility shared by parents/guardians and families with the support of the community and government and non-government organisations.

Council has established a Child Safe Working Group, chaired by the Chief Operating Officer to develop, monitor and review Council's Child Safe initiatives.

The objectives of this Policy are to:

- enable Council to become a Child Safe Organisation
- guide Council in implementing best practice approaches to child protection
- ensure a safe environment for children and young people in accessing Council's services and facilities
- ensure children and young people are engaged and able to make meaningful contributions in matters that relate to them, within the Kiama community.
- further the health, safety, welfare and wellbeing of children and young people within our community
- clearly identify Council's obligations relating to children and young people and ensure its employees and other workers are aware of those obligations
- ensure Council meets its obligations relating to the Child Safe Standards including mandatory reporting, recruitment and selection and responding to allegations against employees and other workers involving children and young people.
- guide Council to ensure compliance with recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (2017) that affect local government and
- ensure Council complies with the Children's Guardian Act (2019).

## Scope

This policy applies to every Council 'employee and other worker' as defined within this policy.

Each of Council's employees and other workers is responsible for following Council's Behavioural Standards for Keeping Children Safe which are based on the Standards developed by the Office of the Children's Guardian (OCG).

Each is to ensure they are aware of their responsibilities relating to prevention of harm and responding to suspected risk of significant harm to a child or young person in accordance with the requirements of the Children and Young Persons (Care and Protection) Act 1998 (the Act).

## References

- Advocate for Children and Young People Act 2014
- Child Protection (Working with Children) Act 2012
- Child Protection (Offenders Prohibition Orders) Act 2004
- 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
- Commission for Children and Young People Act 1998
- Community Welfare Act 1987
- Children's Guardian Act 2019
- Civil Liability Amendment (Organisational Child Abuse Liability) Act 2018
- Crimes Act 1900
- Education & Care Services National Law Act 2010
- Education & Care Services National Regulations 2011
- Local Government Act 1993
- Mandatory Reporter Guide (MRG) 2010
- Modern Slavery Act 2018
- National Framework for Protecting Australia's Children 2009–2020
- Office of the Children's Guardian's Principles for Child Safe Organisations (2017)
- Office of Childrens Guardian – Guide to the Child Safe Standards
- Ombudsman Act 1974
- Privacy and Personal Information Protection Act 1998
- Royal Commission into Institutional Responses to Child Sexual Abuse (2017)
- State Records Act 1998
- The United Nations Convention on the Rights of the Child (1990)
- 21/7307 Responding to risk of significant harm – SENTRAL.
- 20/131215 Code of Conduct for Council Staff, Contractors and Volunteers
- 20/131219 Code of Conduct for Councillors
- 19/131210 Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers
- 14/57514 Privacy Management Policy

## Consultations

- Executive Leadership Team
- Management Leadership Team
- Child facing council facility groups
- Kiama LGA School network
- Council
- Kiama LGA Community

## Definitions

Term	Definition
Abuse	Actions that result in harm, potential harm or maltreatment of children and young people including but not limited to; physical harm, sexual assault,

Term	Definition
	exposure to domestic violence, neglect, psychological harm and prenatal risks.
Child	A person who under the age of 16.
Child-related work	Work that involves direct contact between a worker and a child or young person that is more than incidental to the work. Access to confidential records or information about children or young people is also considered to be child-related work.
Child Safe organisation	An organisation in which Child Safety is embedded in planning, policy and practices and the voices of children and young people are valued and actively supported in decision making.
Council Officials	As defined by Council's Code of Conduct, includes councillors, employees, administrators, council committee members, delegates of council and council advisors.
Delegates of Council	As defined by Council's Code of Conduct includes a person (other than Council Official) or body, and the individual members of that body, to whom a function of the council is delegated.
Employees and other workers	<p>The term used in this Policy to include anyone doing any form of work, paid or unpaid, for or on behalf of Council; including but not limited to:</p> <ul style="list-style-type: none"> <li>• Council Officials</li> <li>• Delegates of Council</li> <li>• independent contractors/subcontractors to Council (and their employees)</li> <li>• suppliers delivering products to Council premises.</li> <li>• employees of labour hire companies working with Council</li> <li>• outworkers, such as a home-based worker, working with Council.</li> <li>• apprentices, trainees or cadets placed with or working for Council.</li> <li>• work experience participants placed with Council.</li> <li>• volunteers to any of Council's services.</li> </ul>
FaCS	Family and Community Services, the NSW Government agency responsible for the care and protection of children and young people.
Mandatory Reporters	Are defined by the Act as people who deliver services, wholly or partly, to children; including but not limited to, professionals working in healthcare; welfare; education; children's services; residential services and law enforcement.
Mandatory Reporting Guide (MRG)	The Guide is a decision-making tool to help Mandatory Reporters determine if, how and when the suspected risk of significant harm of a child or young person is to be reported.
Neglect	Occurs when a parent or caregiver does not regularly provide a child or young person with the basic requirements for their growth and development. This may include food, clothing, shelter, medical and dental care, adequate supervision and/or care.
Reportable Conduct	Section 20 of the Act defines Reportable Conduct as, regardless of whether criminal proceedings are underway:

Term	Definition
	<ul style="list-style-type: none"> <li>(a) A sexual offence committed against, with or in the presence of a child or young person,</li> <li>(b) Sexual misconduct with, towards or in the presence of a child or young person,</li> <li>(c) Ill-treatment of a child or young person</li> <li>(d) Neglect of a child or young person,</li> <li>(e) An assault against a child or young person,</li> <li>(f) An offence under section 43B or 316A of the Crimes Act 1900,</li> <li>(g) Behaviour that causes significant emotional or psychological harm to a child or young person.</li> </ul>
Risk of Significant Harm	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. The risk is not minor or trivial and it may be reasonably expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or wellbeing. This can result from a single act or omission or an accumulation. Risk of significant harm is the threshold in NSW to report child protection concerns to FaCS via the Child Protection Helpline.
Royal Commission	The Royal Commission into Institutional Responses to Child Sexual Abuse (2017).
UN Convention on the Rights of the Child	A human rights treaty, of which Australia is a signatory, ratified in 1989 by the UN General Assembly. The Convention espouses commitment to keeping children everywhere safe, happy and healthy.
WWCC	The Working with Children Check 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	In this Policy a young person is over 16 but under 18 years of age.

## Variation and review

Council reserves the right to review, vary or revoke this policy.

Date reviewed	Date adopted / endorsed	Brief detail of amendments
	16 January 2025	New Policy

## POLICY

Council's aim is for children and young people to have safe and happy experiences while accessing Council services and facilities. Safeguarding children is everyone's business. This Policy reflects Council's commitment to the National Principles for Child-Safe Organisations and NSW Child Safe Standards.

All employees and other workers 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 and young people, employees and other workers and the wider community about their rights, responsibilities and reporting processes relating to child protection and opportunities for children and young people to actively participate in making decisions about matters that affect them.

## **1. Child Safe Standards**

Council is committed to keeping children safe by ensuring that:

- A. Child safety is embedded in institutional leadership, governance and culture.
- B. Children participate in decisions affecting them and are taken seriously.
- C. Families and communities are informed and involved.
- D. Equity is upheld and diverse needs are taken into account.
- E. People working with children are suitable and supported.
- F. Processes to respond to complaints of child sexual abuse are child focused.
- G. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
- H. Physical and online environments minimise the opportunity for abuse to occur.
- I. Implementation of the Child Safe Standards is continuously reviewed and improved.
- J. We have appropriate policies and procedures to document how Council is Child Safe.

## **2. Children's participation**

Council encourages active participation of children in the programs, activities and services it offers through mechanisms including:

- Library Services
- Sentral Youth Services
- Kiama Leisure Centre
- Community facilities and open spaces
- Cultural Art Centres
- Community events and programs.

In addition to existing avenues for participation and engagement, Council will explore opportunities to broaden this scope through the Illawarra Child and Family Interagency, committees and community events, to encourage children to participate in matters that affect their lives.

## **3. Recruitment and selection**

Council will maintain a rigorous and consistent recruitment, screening and selection process for employees and other workers.

To maintain a Child Safe Organisation, Council is committed to building the capability of employees through support, induction, onboarding, professional development and supervision.

Managers will ensure that employees and other workers in contact with children have a current and valid Working with Children Check (WWCC). The WWCC is an essential part of Council's recruitment process to prevent risk to the safety of children.

Council's Human Resources team will ensure recruitment and selection complies with the requirements of the Child Protection (Working with Children) Act 2012 (NSW) and the Child Protection (Working with Children) Regulation 2013 (NSW).

#### **4. Complaints management and reporting**

Council will take all allegations seriously, respond appropriately and report concerns to relevant authorities. All complaints against employees and other workers will be managed in accordance with Council's policies, relevant legislation and, where applicable, Award requirements.

#### **5. Mandatory Reporting of risk of significant harm**

Where there is concern that a child or young person may be at risk of significant harm, Mandatory Reporters must report to the Department of Communities and Justice's (DCJ) Child Protection Helpline.

The requirements and process for Mandatory Reporting are outlined in the Children and Young Persons Care and Protection Act 1998.

The Mandatory Reporter Guide (MRG) can be used to help determine what should be reported and when.

Mandatory Reporting roles within Council's structure are:

- head of agency
- executive
- social workers, caseworkers and youth workers.
- childcare workers.

People who are not Mandatory Reporters can also report suspected risk of significant harm.

Reports are made to the DCJ Child Protection Helpline by phoning 132 111 or online at [reporter.childstory.nsw.gov.au](http://reporter.childstory.nsw.gov.au).

#### **6. Allegations against employees and other workers**

In addition to Mandatory Reporting, allegations against employees and other workers must be reported to the Governance Coordinator. Council will manage such complaints or allegations in accordance with Part 3A of the Ombudsman Act 1974 (NSW).

Allegations that relate to children and young people are regarded as extremely serious and will be thoroughly investigated in consultation with Council's Governance Coordinator.

Council will take all allegations seriously and report concerns to the relevant authorities and in accordance with the relevant legislation.

#### **7. Allegations about improper behaviour in Council's services and facilities**

All allegations involving a person under the age of 18 years should be immediately reported to the Governance Coordinator who will determine appropriate investigation and reporting.

#### **8. Employee support and development**

Council will provide necessary resources and build the capability of employees through professional development, supervision and support to promote and maintain a child safe organisation.

Employees will complete induction and ongoing training about managing risks and creating a safe environment to ensure the safety, suitability and security of physical and online environments for children in Council's services, facilities and programs.

Employees and other workers will be equipped with the knowledge, skills and awareness required to keep children safe.

New employees and other workers will be required to participate in appropriate induction and onboarding processes and procedures.

Managers will ensure all employees complete relevant training in accordance with Council's requirements.

## **9. Breach of Policy**

A breach of this Policy will be managed in accordance with relevant legislation; industrial instruments and Council policies including Code of Conduct and related procedures.

### **Related forms / Documents**

- Child Safe Allegation Record Form
- Child Safe Allegation Reporting Procedure
- Behavioural Standards for Keeping Children Safe
- Complaints Handling Policy

### **Authorisation**

Name: By Council Minute 23/323OC from the 21 November 2023 meeting

Date: 16 January 2024