

CHILD SAFETY POLICY

POLICY OBJECTIVE

The overall objectives of this Policy are to ensure compliance with child protection legislation and to create a culture and adopt strategies to keep children and young people safe from harm.

The objectives of this Policy include:

- To promote the health, safety, welfare and wellbeing of children and young people in Council activities as well as the local community;
- To ensure that Council provides a safe environment for children and young people whilst on Council premises and utilising Council services;
- To ensure all workers engaged with Council in a child-related role have a valid Working with Children Check clearance;
- To ensure workers are aware of their obligations in relation to the various child protection legislation and Council's policy; and
- To ensure Council promptly implements procedures which are confidential and transparent when investigating and responding to allegations of 'reportable conduct' as defined under the *Children's Guardian Act 2019 (NSW)*.

1. POLICY STATEMENT

This policy demonstrates Wentworth Shire Council's commitment to the safety and wellbeing of children and young people. Council is committed to fulfilling its duty of care by endeavouring to ensure that all workers act in the best interests of a child and young person and take all reasonable steps to ensure a child's safety.

2. POLICY COVERAGE

This policy applies to all workers engaged by Council. Any reference to 'worker' for the purpose of this policy includes employees, Councillors, contractors or sub-contractors who are required to hold a Working With Children Check for the purpose of their engagement with Council, work experience participants, labour hire, volunteers and student placements.

3. STRATEGIC PLAN LINK

Objective: 4.0 Wentworth is supported by a strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner.

Strategy: 4.2 Provide a strong, responsible and representative government.

4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Abuse	A term used to refer to different types of harm or maltreatment. It may take the form of physical abuse, psychological or emotional abuse, sexual abuse or neglect. It may fall into the category of 'reportable conduct', or it may sit outside it and still be considered harmful.
Allegation	When someone learns of a child protection concern, they make an allegation or tell someone who makes an allegation. It includes an allegation which involves behaviour that is reportable conduct, as well as behaviour that is exempt from notification to

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	the NSW Office of the Children’s Guardian, but which is required to be investigated by Council.
Child or young person	A person who is under the age of 18
Child related work	Work which involves direct contact with a child/ren where that contact is a usual part of and more than incidental to the work
Child Safe Organisation	An organisation in which child safety is embedded in planning, policy and practices and where the voices of children and young people are valued and actioned.
Council	Wentworth Shire Council
Child Safety Officer	Designated Council employee who assesses reportable allegations
Contractor or sub-contractor	For the purposes of this policy means contractors or sub-contractors who are required to hold a Working With Children Check for the purposes of their engagement with Council
DCJ	Department of Communities and Justice
OCG	Office of the Children’s Guardian
Reportable allegation	In relation to a council worker, means <ul style="list-style-type: none"> a) if the worker holds, or is required to hold, a working with children check clearance for the purpose of employment with Council – an allegation that the worker has engaged in conduct that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of the worker’s employment, or b) if the worker is not required to hold a working with children check clearance for the purposes of employment with council – an allegation that the worker has engaged in conduct that may be reportable conduct, unless the conduct is alleged to have occurred outside the course of the worker’s employment with Council.
Reportable conduct	Something that needs investigating is called a reportable allegation. If it’s substantiated (found to be in all likelihood to be true) it’s called a finding of reportable conduct. This means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded: <ul style="list-style-type: none"> a) a sexual offence b) sexual misconduct c) ill-treatment of a child d) neglect of a child

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	<p>e) an assault against a child</p> <p>f) an offence under section 43B (failure to protect) or 316A (failure to report) of the <i>Crimes Act 1900</i></p> <p>g) behaviour that causes significant emotional or psychological harm to a child</p>
Risk of significant harm	<p>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. It is something that is not minor or trivial and that may be reasonably expected to produce a substantial and demonstrably adverse impact on 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 to DCJ via the Child Protection Helpline.</p>
Working with Children Check (WWCC)	<p>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.</p>

5. BACKGROUND INFORMATION

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.

The standards can be broadly applied to all forms of harm including psychological, physical and emotional abuse as well as neglect.

The 10 Child Safe Standards 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.

The Child Safe Standards encompass existing child safety requirements for individuals and organisations such as Working with Children Check, the Reportable Conduct Scheme and requirements to report information to police and to the Department of Communities and Justice.

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6. POLICY CONTENT

6.1. Council's commitment to child safety

This policy reflects Council's commitment to providing and actively promoting a safe environment for children and young people. Council uses the Child Safe Standards to underpin how we keep children safe.

Council will ensure that policies and systems are in place and accessible to protect children and young people and that all allegations and safety concerns will be treated seriously.

Council will share information about keeping children and young people safe including where they can find further information and advice, and how to make a report if they suspect or know a child is being harmed or if they observe a breach of our code of conduct.

Wentworth Shire Council acknowledges that protecting the safety of children and young people is a whole of community responsibility and is everyone's business.

6.2. Recruitment & Training

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 (WWCC) is required for all child-related work.

Council will meet its training and induction obligations by ensuring that all Councillors, employees, volunteers and contractors are included 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.

6.3. Risk Management

Council will ensure that child safety is part of the overall risk management approach. A risk assessment will be undertaken of settings where Council has child related services and where adults interact with children, considering increased risks in relation to specific roles and activities, and introducing suitable protective strategies for identified physical and online risks.

6.4. Safeguarding Children Standards of Behaviour

Council's adopted Code of Conduct sets out clear standards of behaviour and conduct for all Council officials. It is the personal responsibility of Council officials to comply with the standards in Council's adopted Code of Conduct Policy and to regularly review their personal circumstances and conduct with this in mind.

In addition to Council's Code of Conduct, 'Safeguarding Children Standards of Behaviour' have been developed to provide detailed guidance on appropriate behaviour and conduct when working with children and young people. These standards aim to protect children and reduce any opportunities for abuse or harm to occur. They also help workers by providing them with guidance on how to best support children and young people, and how to avoid or better manage difficult situations.

Acceptable Behaviours

Council's workers are responsible for supporting the safety of children by:

- adhering to Council's Child Safety Policy;
- taking all reasonable steps to protect children and young people from abuse;

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- ensuring the adult/child relationship is professional and kept within the boundaries of the respective position description;
- ensuring appropriate adult's response to a child's behaviour or circumstance in line with the child's age and vulnerability and the adult's responsibility for the care, safety and welfare of the child;
- treating everyone with respect;
- listening and responding to the view and concerns of children and young people, particularly if they are telling you that they or another child has been abused or that they are worried about their safety/ the safety of another child or young person;
- promoting the cultural safety, participation and empowerment of all children;
- ensuring as far as practicable, an adult should not be alone with a child unless there is a line of sight to other adults;
- ensuring adults do not initiate or seek any contact with children outside of work; and
- reporting any allegations of child abuse or any child safety concerns.

Unacceptable Behaviours

Council's workers must not:

- ignore or disregard any suspected or disclosed child abuse;
- use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- develop any 'special' relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children);
- initiate unnecessary physical contact with children or do things of a personal nature that a child can do for themselves, such as toileting or changing clothes;
- use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access child exploitation material through any medium;
- photograph or video a child or young person without the consent of the parent or guardians and the child's consent when appropriate.

6.5. Reporting a child safety concern or complaint

When any employment related child protection concern or allegation is raised about an employee it must be reported to the General Manager as Council's Child Safety Officer. Allegations can be reported by children or young people, families, Councillors, employees, volunteers or contractors. Council must immediately take the appropriate steps to assess and minimise any further risk of harm, and give consideration as to whether the child protection concern or allegation constitutes a reportable allegation.

Several positions have been nominated as initial reporters to accept complaints or allegations of child abuse or harm, acting as an intermediary to the General Manager in this role. These positions are Manager, Human Resources; Work Health & Safety Officer; Team Leader Library Services; and Team Leader Visitor Information Centre.

All reportable allegations must be reported to the Office of the Children's Guardian and in some cases to other relevant oversight agencies and/or Police. Council will support relevant authorities' investigations into allegations of abuse or risk of harm to children and young people.

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Concerns that a child or young person is suspected to be at risk of significant harm that does not involve Council must be reported to the relevant agency. Council will meet its mandatory reporting obligations and will take action to protect children and young people at risk of significant harm.

6.6. Privacy and confidentiality

Whilst safety and wellbeing of children and young people are of primary concern, Council is committed to protecting an individual's right to privacy. All personal information considered during the process of reporting or investigating will be collected and managed in accordance with Council's Privacy Policy. Personal information will only be disclosed to another party if there is a legislative requirement for such disclosure.

6.7 Roles and responsibilities

Council

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

General Manager as Head of Entity

The General Manager as Head of Entity is responsible for ensuring that Council fulfils its responding and reporting obligations and to notify the Office of the Children's Guardian (NSW) when a reportable allegation of child abuse is made against a Councillor, employee, volunteer or contractor. The General Manager is responsible for ensuring compliance with this policy and that all Councillors, employees, volunteers and contractors are informed, resourced and supported to understand their role in providing a child safe environment.

General Manager as Child Safety Officer

Council's Child Safety Officer has the following responsibilities:

- To provide ongoing support and respond 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 a reportable allegation (of which they are aware) is made against a Councillor, employee, volunteer or contractor.

Councillors, employees, volunteers and contractors

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

All Councillors, employees, volunteers and contractors 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, reporting and reportable conduct obligations and take action where a child or young person is at risk of harm.

7. RELATED DOCUMENTS & LEGISLATION

Children's Guardian Act 2019

Children and Young Persons (Care and Protection) Act 1998

Local Government Act 1993 and Local Government (General) Regulation 2021

Privacy and Personal Information Protection Act 1998

Health Records and Information Privacy Act 2002

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GOV020 Wentworth Shire Council Code of Conduct Policy

GOV007 Wentworth Shire Council Privacy Management Policy

GOV022 Wentworth Shire Council Legislative Compliance Policy

GOV013 Wentworth Shire Council Enterprise Risk Management Policy

8. ATTACHMENTS

Nil.

9. DOCUMENT APPROVAL

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date..](#) All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed:

General Manager Wentworth Shire Council

[Click here to enter a date.](#)

Date

