

POLICY:-	
Policy Title:	Child Safety and Wellbeing Policy (replacing Child Protection Policy)
File reference:	
Date Policy was adopted by Council initially:	
Resolution Number:	March 2005 - 187/05
Other Review Dates:	
Resolution Number:	
Current Policy adopted by Council:	16 February 2023
Resolution Number:	25/23
Next Policy Review Date:	2026

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy Developed by:	Manager, Human Resources
Committee/s (if any) consulted in the development of this policy:	
Responsibility for implementation:	All Directorates
Responsibility for review of Policy:	Director Finance and Administration

STATEMENT OF INTENT:

Council is committed to:

- The safety and wellbeing of all children and young people.
- Creating and maintaining child safe environments where children and young people feel included, valued and their voices heard.
- Its responsibility regarding the rights of children and young people and are dedicated to ensuring their safety and wellbeing is everybody's business.

OBJECTIVES:

Council will adopt the Child Safe Standards as the primary framework guiding its approach to child safe practices and the Code of Conduct will direct our behaviour¹.

Council will foster a culture of child safety and wellbeing through embedding the following values in its approach to prioritising children's safety:

- The best interests of children and their protection from harm is paramount.
- Child abuse is not tolerated and must not happen.
- Children's rights are understood and respected.
- Concerns about child safety raised by children and their parents and carers are acted on.
- Reporting abuse is not obstructed or prevented.

POLICY STATEMENT:

Council supports children and young people having safe and happy experiences in our community, accessing our facilities and when interacting with 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 affect them.

All staff, volunteers, students and persons undertaking work experience, contractors and suppliers must uphold and promote safety and wellbeing for children and young people and respond appropriately, where concerns are identified.

Council will ensure 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.

Council's Child Safe Policy underpins and provides guidance for the development of Council's strategies, practices and actions and ensure they align with the continual enhancement of child safety and wellbeing in all Council activities.

¹ Children's Guardian Amendment (Child Safe Scheme) Act 2021 Division 1 8a; Division 2 8C

SCOPE:

This Policy applies to people who conduct work for Council in a paid or unpaid capacity. This includes all Councillors, staff, volunteers and contractors.

This Policy applies to all activities of Council, which involve, result in or relate to contact with children.

ROLES AND RESPONSIBILITIES:

Council

Council is responsible to publicly commit to child safety and wellbeing and to embed a child safe culture.

General Manager

The General Manager 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 General Manager is responsible for notifying the Ombudsman of a 'reportable allegation' or 'reportable conviction'. The General Manager may disclose to the Ombudsman any information that gives reason to believe that 'reportable conduct' by an employee has occurred².

The General Manager is responsible for ensuring appropriate systems, processes, policies and procedures are in place to prevent, detect and respond to abuse of children and young people.

The General Manager for providing training for staff in the identification of suspected child abuse, notification procedures and implementation of relevant programs to those involved in the supervision of children.

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.

Managers

Managers are responsible for enabling 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

The General Manager or their delegate has been appointed as the Child Protection Officer.

² Children's Guardian Act 2019

The Child Protection Officer is responsible for providing ongoing support and response to concerns about the safety and wellbeing of children while engaged in services, programs or events delivered by council.

The Child Protection Officer is responsible for notifying 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.

Councillors, staff, volunteers, and contractors

Councillors, staff, volunteers, and contractors shall adhere to the requirements of this policy and be able to demonstrate their awareness of their child safety and wellbeing responsibilities.

Councillors, staff, volunteers, and contractors share the responsibility of awareness, prevention and responding to any suspected risk of significant harm of a child or young person. This is in adherence to the Children and Young Persons (Care and Protection) Act 1998.

DEFINITIONS:

Allegation	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.
Child/Young Person	For the purposes of this policy a child is a person who is under the age of 16 years and a young person is who is over the age of 16 years but under the age of 18 years.
Harm/abuse	Includes any act committed against a child involving: <ul style="list-style-type: none">• a sexual offence or• an offence under section 49B(2) of the Crimes Act 1958 (grooming);• the infliction, on a child, of:<ul style="list-style-type: none">- physical violence or- serious emotional or psychological harm;- serious neglect of a child.
Mandatory Reporting	Mandatory reporting is when the law requires you to report known or suspected cases of harm or abuse.
Child safe culture	The organisation's values as demonstrated on a day-to-day basis by its leaders and staff, and as experienced by the children they care for. It is founded on the organisation's values and supported by leadership and governance.

PRINCIPLES:

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.

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.

The Working with Children Check (WWCC) 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.

Council will meet legal requirements³ to ensure that only people with valid WWCC are engaged in 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 wellbeing and understand that child safety and wellbeing 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 wellbeing 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 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 Council's Child Protection Officer. Allegations can be reported by children or young people, families, Councillors, employees, contractors or volunteers.

³ Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013.

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 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.

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 Policy.

Personal information will only be disclosed to another party if there is a legislative requirement for such disclosure.

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 fosters and 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.

Child-Safe Organisation:

Council upholds and promotes the safety and wellbeing of children and young people in our community.

Council considers the Child Safe Standards and collaborates with young people as part of the identification, implementation and creation of policies, procedures and actions that enables Council to meet its objectives as a Child-Safe Organisation.

Upper Lachlan Shire Council demonstrates its commitment to Child Safety and wellbeing through:

- Adopting the Child Safe Standards as our primary framework to guide child safe practice;
- Maintaining a rigorous and consistent recruitment, screening and selection process;
- Taking seriously allegations against staff involving children and young people and supporting the fair and thorough investigation led by the Internal Ombudsman Shared Service;
- Meeting the requirement to report any case of suspected child abuse or neglect of children presenting at Council services, facilities or activities.

REVIEW

This Policy will be reviewed every 3 years from the date of each adoption of the policy, or more frequently as required.

REPORTING

The General Manager will report to relevant agencies in accordance with child protection reporting obligations.

RELATED LEGISLATION

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

Anti-discrimination Act 1977

Crimes Act 1900;

Disability Inclusion Act 2014

Government Information (Public Access) Act 2009;

Child Protection (Working with Children) Act 2012;

Child Protection (Working with Children) Regulation 2013;

Children & Young People (Care & Protection) Act 1998;

Children's Guardian Act 2019

Children's Guardian Amendment (Child Safe Scheme) Bill 2021

Local Government Act 1993;

Ombudsman Amendment (Child Protection & Community Services) Act 1998;

Privacy and Personal Information Protection Act 1998;

State Records Act 1998;

United Nations Convention on the Rights of the Child 1990.

Library Act

RELATED DOCUMENTS AND COUNCIL POLICY

Council Access and Equity Policy

Council Allegations against staff guidelines

Council Child-Safe Organisation guidelines

Council Code of Conduct

Council Complaints Handling Policy

Council Mandatory Reporting risk of significant harm guidelines

Council Recruitment & Selection Policy

Council Volunteers Policy

Government Information (Public Access) Policy;

Public Interest Disclosures Policy

Risk Management Plan

Privacy Policy