

FILE NO: PSC2009-02488

TITLE: CHILD PROTECTION POLICY

OWNER: ORGANISATION SUPPORT SECTION MANAGER

1. PURPOSE:

- 1.1 Council is committed to ensuring compliance with current State and Federal Government child protection legislation and to protect children and young people in the workplace.
- 1.2 The purpose of this policy is to:
- a) 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.
 - b) Articulate the professional and legal obligations of Council staff in relation to child protection.
 - c) 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.
 - d) Promote the health, safety, welfare and wellbeing of children and young people.
 - e) Ensure that Council provides a safe environment for children and young people whilst on Council premises and utilising Council services.
 - f) Ensure that Council is implementing best practice, and in this regard is responding to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (2017) that affect Local Government.

2. CONTEXT/BACKGROUND:

- 2.1 Council supports the rights of children and young people and is committed to their care and protection. Council believes that the safety and wellbeing of children and young people is everybody's business.
- 2.2 Council staff, volunteer's, partners and contractors share a commitment to the awareness, prevention and response to the 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.

2.3 Council maintains a rigorous and consistent recruitment, screening and selection process. Council takes allegations against staff involving children and young people seriously and supports the fair and thorough investigation facilitated by the Governance Section Manager.

2.4 Council adopts the Principles for Child-Safe Organisations (2017) and the Royal Commission Final Report Recommendations (2017) relevant to Local Government including the Child Safe Standards.

3. SCOPE:

3.1 This policy applies to all Council staff, Mayor and Councillors, contractors and sub-contractors, work experience participants, volunteers, students on placement, Family Day Care Educators and the adults that live in their home, facility hirers and leasees.

3.2 This policy reflects Council's commitment to:

3.2.1 The Office of the Children's Guardian's Principles for Child-Safe Organisations (2017):

- a) Principle 1: The organisation focuses on what is best for children.
- b) Principle 2: All children are respected and treated fairly.
- c) Principle 3: Children's families and communities are welcome and encouraged to participate in the organisation.
- d) Principle 4: Children receive services from skilled and caring adults.

3.2.2 The Child Safe Standards identified by the Royal Commission (2017):

- 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) Policies and procedures document how the institution is child safe.

4. DEFINITIONS:

4.1 An outline of the key definitions of terms included in the policy.

Abuse	A term used to refer to different types of maltreatment. In this document, it refers to types of maltreatment that children and young people experience, including physical harm, sexual assault, exposure to domestic violence, psychological harm and prenatal risks.
Child	A person who is under the age of 16 years.
Child-safe organisation	An organisation in which child safety is embedded in planning, policy and practices and where the voice of the child is valued and actioned.
DCJ	Department of Communities and Justice (DCJ). DCJ is the NSW Government agency responsible for the care and protection of children and young people.
Mandatory reporters	People who deliver services, wholly or partly, to children as part of their paid or professional work. This is regulated by the Children and Young Persons (Care and Protection) Act 1998. This includes, but is not limited to, professionals working in: health care, welfare, education, children's services, residential services and law enforcement.
MRG	Mandatory Reporter Guide. The MRG is a decision making tool to assist mandatory reporters determine what and when to report the suspected risk of significant harm of a child or young person.
Neglect	The failure by a parent or carer to provide a child or young person with essentials for their physical, psychological, emotional, educational, medical and developmental wellbeing.
Risk of significant harm	The threshold to report child protection concerns to DCJ via the Child Protection Helpline.
WWCC	Working with children check. 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 5 years, or a bar against working with children.
Young person	A person who is between the ages of 16 – 18 years.

5. STATEMENT:

- 5.1 Council supports children and young people having safe and happy experiences in our community, accessing our facilities and in our care. Council maintains the active participation of children in the organisation by involving children and young people in decision making, particularly in matters that directly impact them.
- 5.2 All staff, volunteers, students and persons undertaking work experience, contractors and suppliers must promote safety and wellbeing for children and young people and respond appropriately where concerns are identified.

6. RESPONSIBILITIES:

- 6.1 Organisation Support Section Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.
- 6.2 Mandatory Reporting Risk of Significant Harm
- 6.2.1 Where there are concerns that a child or young person is suspected to be at risk of significant harm, staff who are 'mandatory reporters' are legislatively required to report these concerns to the (DCJ) Child Protection Helpline. The Mandatory Reporter Guide (MRG) is used to help determine when and what should be reported. Staff who are not mandatory reporters as well as members of the community can also report the suspected risk of significant harm via the DCJ Child Protection Helpline on 132 111. Mandatory reporting is outlined in the Children and Young Persons (Care and Protection) Act 1998.
- 6.3 Recruitment and Selection
- 6.3.1 Council will meet legal requirements to ensure that only people with valid Working with Children Checks (WWCC) are engaged in child-related work. The 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. Human Resources (HR) manage all selection and recruitment related WWCC. This is in line with the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013.
- 6.4 Allegations Against Staff
- 6.4.1 Complaints against staff involving a child or young person will be handled in accordance with the relevant legislation, specifically Part 3A of the Ombudsman Act 1974 (NSW), which mandates a specific approach to the handling and reporting of complaints about staff involving a child or young person. All allegations in relation to staff involving an individual under the age of 18 years will be immediately reported to the Internal Ombudsman Shared Service, who will in turn investigate and report the matter to the relevant oversight agency in accordance with Council's reporting obligations.

6.5 Child-safe organisation

- 6.5.1 Council promotes the safety and wellbeing of children and young people in our community. This involves implementing best practice approaches to child protection. Council adopts the Royal Commission Final Report Recommendations (2017) relevant to Local Government including the Child Safe Standards. Council also supports the principles of child-safe organisations.

7 RELATED DOCUMENTS:

- 7.1 Civil Liability (Organisational Child Abuse) Liability Act 2018.
- 7.2 Advocate for Children and Young People Act 2014.
- 7.3 Child Protection (Offenders Prohibition Orders) Act 2004.
- 7.4 Child Protection (Offenders Registration) Act 2000.
- 7.5 Child Protection (Working with Children) Act 2012.
- 7.6 Child Protection (Working with Children) Regulation 2013.
- 7.7 Children and Young Persons (Care and Protection) Act 1998.
- 7.8 Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015
- 7.9 Children and Young Persons (Care and Protection) Regulation 2012
- 7.10 Children's Guardian Act 2019
- 7.11 Commission for Children and Young People Act 1998.
- 7.12 Crimes Act 1900.
- 7.13 Crimes (Domestic and Personal Violence) Act 2007.
- 7.14 Education and Care Services National Law Act 2010.
- 7.15 Education and Care Services National Regulations 2012.
- 7.16 Government Information (Public Access) Act 2009.
- 7.17 Ombudsman Act 1974.
- 7.18 Young Offenders Act 1997.
- 7.19 Convention on the Rights of the Child.
- 7.20 Port Stephens Council Code of Conduct.
- 7.21 Port Stephens Council Complaint Handling Policy.
- 7.22 Port Stephens Council Recruitment & Selection Management Directive.
- 7.23 Port Stephens Council Volunteers Policy
- 7.24 Mandatory Reporter Guide (MRG) 2010.
- 7.25 National Framework for Protecting Australia's Children 2009–2020.
- 7.26 NSW Child Safe Standards
- 7.27 Office of the Children's Guardian's Principles for Child Safe Organisations (2017)
- 7.28 Principles for Child Safe Organisations (2017).
- 7.29 Royal Commission into Institutional Responses to Child Sexual Abuse (2017).
- 7.30 The ChildStory Reporter Community.
- 7.31 The United Nations Convention on the Rights of the Child (1990)

CONTROLLED DOCUMENT INFORMATION:

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Process owner	Organisation Support Section Manager		
Author	Organisation Support Section Manager		
Review timeframe	3 years	Next review date	12 September 2026
Adoption date	11 February 2020		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	11/02/2020	Human Resources Manager	New policy developed.	015
2.0	12/9/2023	Organisation Support Section Manager	<p>4 – Definitions: updated references to 'Family and Community Services (FaCS) to 'Department of Communities and Justice (DCJ) to reflect current naming convention.</p> <p>6.1 – Responsibilities updated to 'Organisation Support Section Manager' to reflect current naming convention.</p> <p>6.2.1 - Deleted 'FaCS' and replaced with 'DCJ'.</p> <p>7.8 - Added 'Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015'.</p>	203

			<p>7.9 - Added 'Children and Young Persons (Care and Protection) Regulation 2012'.</p> <p>7.10 - Added 'Children's Guardian Act 2019'.</p> <p>7.23 - Added 'Port Stephens Council Volunteers Policy'.</p> <p>7.26 - Added 'NSW Child Safe Standards'.</p> <p>7.27 – Added 'Office of the Children's Guardian's Principles for Child Safe Organisations (2017)'.</p> <p>7.31- Added 'The United Nations Convention on the Rights of the Child (1990)'.</p> <p>Controlled document information:</p> <ul style="list-style-type: none"> - Policy owner and author updated to 'Organisation Support Section Manager' to reflect current naming convention. - Review timeframe amended to 3 years in accordance with Council's policy review cycle. 	
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