

Child Safe Policy

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Policy owner:	People and Culture Executive
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Purpose

Child safety and protection legislation emphasises the care of children and young people is a responsibility shared by families, government and communities working in partnership. Wagga Wagga City Council (Council) plays an active role in providing services, events and activities for children and young people.

This Policy outlines how Council meets its commitment and obligations to prevent abuse and ensure the safety, welfare and well-being of the children and young people for whom Council provides a service, and with whom the organisation has contact.

Scope

This Policy applies to all full-time, part-time, casual, temporary, fixed-term and maximum-term Council employees and includes apprentices, trainees, labour hire employees, students on work experience, volunteers and Councillors.

This Policy also applies to the management of contracted service providers and grant and sponsorship recipients delivering services involving child-related work, either on behalf of, or in conjunction with, Council.

Policy Provisions

Statement of Policy

Council caters for the needs of children and young people by providing parks and playgrounds, recreation facilities, libraries, cycle paths and skate facilities.

Council also provides a diverse range of services, which may be used by children and young people including community programs and facilities, delivering community events, contracting services through external operators, and providing funding to support community organisations through its grant and sponsorship programs.

Council is committed to:

1. Building a culture of child safety within its organisation and communities by embedding the NSW Child Safe Standards into practice through continuous improvement processes.

2. Meeting its responsibilities to ensure the safety and welfare of children, and taking reasonable measures to prevent abuse of children in line with child safety and protection legislation, including:
 - a) Ensuring all Council employees and contracted service providers required to work with, or participate in the delivery of services and programs for, children and young people, have the appropriate NSW Working with Children Checks.
 - b) Ensuring Council maintains rigorous and consistent recruitment, screening and selection processes.
 - c) The provision of regular child safety training and inductions that ensure all Council employees are aware of their legal responsibilities and are confident in reporting known, suspected or alleged child abuse, misconduct or inappropriate behaviour.
 - d) Actively promoting safety and working towards reducing all environmental and situational risk factors that lead to risk of children and young people being harmed, by ensuring appropriate child safe risk management plans and systems are in place.
3. Timely reporting and investigation of allegations of possible abuse, harm or neglect of a child ensuring allegations are:
 - a) Treated with sensitivity, having regard to the privacy of individuals and their families.
 - b) Investigated in an efficient and equitable manner.
 - c) Promptly notified to the appropriate government authority.
4. Storing and maintaining records in line with relevant child safety and protection legislation.

Assigning categories to roles

Every position within Council will be categorised using the Child Safe Procedure – Recruitment, Employee Conduct and Training, including newly created, re-profiled positions and existing roles where there has been a change in duties. These categories determine whether the role requires a NSW Working with Children Check, and what type of child safety training must be completed in order to meet the responsibilities of the positions.

Recruitment and Employment

Council will meet its legal requirements to ensure that only people with a valid NSW Working with Children Check are engaged in child-related work. The NSW Working with Children Check 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's People & Safety Division manage all recruitment, screening and selection processes related to NSW Working with Children Checks in accordance with the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013.

The People & Safety Division, together with relevant Directors, Managers and hiring managers, will ensure that:

- a) Applications for an NSW Working with Children Check and/or NSW Working with Children Check clearances are received for designated roles before hiring a prospective Council employee.
- b) Verifications of NSW Working with Children Check clearances are completed.
- c) A person will not continue to be employed in child-related work, if they have:
 - i. been identified as disqualified/barred as a result of failing to qualify for a NSW Working with Children Check renewal;
 - ii. an expired NSW Working with Children Check; or
 - iii. failed to provide proof of a current NSW Working with Children Check application or clearance within legislated timeframes i.e., upon turning 18 years of age.

Training and Support

Training and induction are important to ensure that all Council employees understand that the safety of children and young people is the responsibility of everyone.

Council employees will be provided with appropriate training and support to ensure that they understand Council's commitment and obligations to the safety of children and young people.

Council's aim is that all Council employees feel confident in knowing how to identify risks of harm to children and young people and know how to report allegations.

Risk Management Plans

Child safe risk management plans identifying risks to children and young people and implementing controls to mitigate these risks is an essential factor in keeping children safe. Child safe risk management plans will document how the safety and welfare of children and young people participating in events, programs and services delivered by Council are managed.

Child Safe Risk Management Plans are required for:

- a) Each individual Council staffed facility where children and young people are expected to attend or be present.
- b) Each event, program or service provided by Council employees delivered outside of a staffed Council facility, where children and young people are expected to attend or be present.

Complaints Management and Reporting

Information outlining how a child, parent or family member, or community member can make a complaint will be provided on Council's website.

All Council employees must comply with legal requirements and adopted procedures and report known, suspected or alleged child abuse, misconduct or inappropriate behaviour. Requirements and processes are outlined in Council's Child Safe Procedure – Recruitment, Employee Conduct and Training, and Child Safe Procedure - Identifying, Reporting and Investigating Child Safety Concerns.

If an allegation of abuse, inappropriate behaviour, misconduct or a safety concern is raised, Council will:

- a) Ensure that processes for responding to alleged abuse and misconduct are confidential, fair, unbiased and focus on child safety.
- b) In the event that a Council employee poses a serious risk of abusing a child or young person, remove or reduce the risk to the child and young person.
- c) Provide reports and/or progress updates to the relevant authorities and where appropriate people involved in any incident.
- d) Provide support or make referrals for support to alleged victims, their families and affected Council employees, such as helping them understand their rights and the process that will be followed in responding to allegations of reportable conduct, and assistance in accessing counselling or other support as required.
- e) Undertake timely reviews of the Child Safe Policy, associated procedures and other related documentation following an incident to help drive continuous improvement.

Confidentiality

All Council employees involved in the reporting or investigating of allegations of child abuse will be mindful of the sensitive nature of the issue and take all reasonable steps to maintain confidentiality and respect the privacy of those involved. Nothing in this statement is to be taken as mitigating against the obligation of Council employees to report incidents or allegations of child abuse.

Any person who makes an allegation of child abuse is protected under Council's Public Interest Disclosures Policy.

Unsubstantiated Allegations

Where an allegation is clearly wrong or unsubstantiated, the Council employee who is the subject of the allegation will be supported by Council. The nature of the support will be reasonable and appropriate subject to the circumstances of the case. It may include access to specialist counselling services, legal services or special leave.

Any Council employee who is found to have made a vexatious complaint will be subject to disciplinary action.

Record Keeping

Council shall retain all records of an investigation, regardless of whether or not the allegation was proven, and regardless of any requirement for disposal of the record that may exist elsewhere.

Where an investigation results in disciplinary action the following details will be kept on the Council employee's personnel file:

- a) Date the allegation was made.
- b) That an investigation was conducted.
- c) What the finding was.
- d) What action was taken.

Grants and Contracts involving Child-Related Work

Council has lease, licence and service agreements with a number of commercial sporting/recreational organisations and/or community organisations that provide services for the benefit of the community on behalf of Council.

Council also provides grant funding and/or subsidised accommodation to a range of organisations that use this funding and/or accommodation to deliver programs and services.

Where any relevant contractual agreements include the delivery of child-related work on behalf of, or in conjunction with Council, the agreement must contain clauses outlining the organisation's responsibilities under all applicable child safety and protection legislation and Council's child safe policies.

Performance measures, compliance, monitoring and reporting systems related to child safety will be established in relevant agreements and through contract management processes.

Further guidance is contained in Council's Child Safe Procedures.

Responsibilities

Detailed responsibilities are outlined in Council's Child Safe Procedures.

General Manager

It is the responsibility of the General Manager as the Head of Entity to:

- a) Ensure appropriate systems, processes, policies and procedures are in place to prevent, detect and respond to abuse of children and young people.
- b) To notify the NSW Office of the Children's Guardian when an allegation (of which they are aware) of child abuse is made against a Council employee or contracted service provider.

Directors, Managers and Supervisors

It is the responsibility of Directors, Managers and Supervisors to:

- a) Promote and ensure compliance with child protection legislation, policies and associated procedures.
- b) Report any allegations of child abuse to the General Manager (Head of Entity), People & Safety Executive or Council's Public Officer.
- c) Respect the rights of the parties involved.

Employees required to hold a NSW Working with Children Check

It is the responsibility of all Council employees required to hold a NSW Working with Child Check to:

- a) Hold and maintain a current NSW Working with Children Check (and that it is renewed before its expiry date).
- b) Update their contact details with the NSW Office of the Children's Guardian within three (3) months of moving or changing their name.

- c) Immediately inform their supervisor and the People & Safety Division if they ever become a disqualified/barred person, or if the status of their NSW Working with Children Check changes.

Employees

It is the responsibility of all Council employees to:

- a) Understand and comply with child protection legislation, policies and associated procedures.
- b) Notify their supervisor and/or the People & Safety Division immediately if they witness a child abuse incident, or someone discloses a situation of child abuse to them.

People & Safety Division

It is the responsibility of the People & Safety Division to:

- a) Review and update Council's child safe policies, procedures and other related documentation ensuring they comply with relevant legislation and regulations.
- b) Administer processes to ensure all staff undertaking child-related work have a current NSW Working with Children Check application or clearance.
- c) Ensure systems and processes are being complied with for detecting and responding to reports of child safety concerns.
- d) Provide advice, training and support to all Council employees.
- e) Ensure recruitment, screening and selection practices are conducted in accordance with relevant child safety and protection legislation and Council's Child Safe Procedure – Recruitment, Employee Conduct and Training.
- f) Ensure accurate records are stored and maintained in line with relevant child safety and protection legislation.

Public Officer

It is the responsibility of Council's Public Officer to:

- a) Provide ongoing support and response to concerns about the safety, welfare and well-being of children and young people while engaged in services, programs or events delivered by Council.
- b) To notify the NSW Office of the Children's Guardian when an allegation (of which they are aware) of child abuse is made against a Council employee or contracted service provider.

Failure to Comply

A failure to comply with this Policy and associated procedures will be dealt with in accordance with discipline procedures under the NSW Local Government (State) Award 2020 (as amended), except where summary dismissal is required.

Legislative Context

- 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’s Guardian Act 2019
- Children’s Guardian Amendment (Child Safe Scheme) Bill 2021
- Civil Liability Amendment (Organisational Child Abuse Liability) Act 2018
- Crimes Act 1900
- Government Information (Public Access) (GIPA) Act 2009
- Local Government Act 1993
- Local Government (State) Award 2020 (as amended)
- Privacy and Personal Information Protection Act 1998
- NSW Child Safe Standards
- NSW Children (Education and Care Services National Law Application) Act 2010
- State Records Act 1998
- United Nations Convention on the Rights of the Child (1990)

Related Documents

- Code of Conduct
- Child Safe Code of Conduct
- Child Safe Procedure - Identifying, Reporting and Investigating Child Safety Concerns
- Child Safe Procedure – Recruitment, Employee Conduct and Training
- IT Operating Standards
- Work Health & Safety Policy (POL 080)
- Equal Employment Opportunity (EEO) Policy (POL 085)
- Public Interest Disclosures Policy (POL 097)
- POL095 Privacy Policy (POL 095)
- Privacy Management Plan
- Recruitment Operating Standard

Definitions

Term	Definition
Allegation	Includes an allegation that 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.
Barred	Refusal by the NSW Office of the Children’s Guardian (OCG) for a NSW Working with Children Check. Three categories: <ol style="list-style-type: none"> 1) Interim bar – risk assessment required to be undertaken by the NSW OCG. Person must immediately stop working in child-related employment. Can be appealed by the individual. 2) Bar – outcome of risk assessment undertaken by the NSW OCG. Person will not be cleared to work in child-related employment. 3) Autobar – person is immediately barred from working in child-related employment.

Term	Definition
Child	A person who is under the age of sixteen (16) years.
Child Abuse	<p>Child abuse or neglect shall mean the following:</p> <ul style="list-style-type: none"> • Physical abuse. • Lack of supervision. • Lack of physical shelter/environment. • Inadequate medical care. • Inadequate access to education. • Sexual abuse. • Psychological harm. • Relinquishing care. • Parent/carer substance abuse. • Parent/carer mental health. • Parent/carer domestic violence. • Risks to an unborn child.
Child-Related Work	<p>Work (including voluntary work) is:</p> <ul style="list-style-type: none"> • providing services for under 18s; • where the work normally involves being face-to-face with children; and • where contact with children is more than incidental to the work.
Child Safe Standards	<ol style="list-style-type: none"> 1. Standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse, and adopted by the NSW Government, to provide a framework for making organisations safer for children. These include: 2. Child safety is embedded in institutional leadership, governance and culture. 3. Children participate in decisions affecting them and are taken seriously. 4. Families and communities are informed and involved. 5. Equity is upheld and diverse needs are taken into account. 6. People working with children are suitable and supported. 7. Processes to respond to complaints of child sexual abuse are child focused. 8. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training. 9. Physical and online environments minimise the opportunity for abuse to occur. 10. Implementation of the Child Safe Standards is continuously reviewed and improved. 11. Policies and procedures document how the institution is child safe.
Contracted Service Provider	An organisation or entity contracted to provide goods, services or programs involving child-related work on behalf of, or in conjunction with, Council where that entity has been engaged as a result of informal or formal procurement processes such as a Request for Quotations

Term	Definition
	(RFQs), Tenders, Expressions of Interests (EOIs), and one-off or standing purchase orders.
Council Employee	<p>Any person engaged in work for Council in any of the following capacities:</p> <ul style="list-style-type: none"> • full time, part time, casual, temporary, fixed-term, maximum term employees; • apprentices or trainees; • labour hire employees; • work experience students; • volunteers; and • for the purposes of this policy, Councillors.
Disqualified Person	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 (NSW) Act</i> .
Head of Entity	Person responsible for the entity's (being Council's) compliance with its legislative obligations. The Head of Entity for Council is the General Manager.
Reportable Allegation	<p>A reportable allegation in relation to an employee of the Council, means:</p> <ol style="list-style-type: none"> 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 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.
Reportable Conduct	<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"> a. a sexual offence; b. sexual misconduct; c. ill-treatment of a child; d. neglect of a child; e. an assault against a child; f. failure to reduce or remove the risk of a child becoming a victim of abuse or concealing child abuse; or

Term	Definition
	<p>g. behaviour that causes significant emotional or psychological harm to a child.</p> <p>Examples of indicators of significant emotional or psychological harm in respect of paragraph (g) include:</p> <ol style="list-style-type: none"> 1. displaying behaviour patterns that are out of character; 2. regressive behaviour; or 3. anxiety or self-harm.
Risk of Significant Harm	<p>A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are present to a significant extent, of any one or more of the following circumstances:</p> <ul style="list-style-type: none"> • Basic physical or psychological needs are not being met; or • Necessary medical care has not been arranged; or • Is not receiving an education in accordance with the Education Act 1990; or • Has been, or is at risk of being, physically or sexually abused or ill-treated; or • Is living in an environment of domestic violence and is at risk of serious physical or psychological harm; or • Someone has behaved in such a way toward the child/young person that they have suffered or are at risk of suffering serious psychological harm.
Significant	<p>What is meant by ‘significant’ in the phrase ‘to a significant extent’ is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family’s consent.</p> <p>What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person’s safety, welfare or wellbeing.</p> <p>In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child after the child’s birth.</p> <p>Significance can result from a single act or omission or an accumulation of these.</p>
Young Person	A person who is aged sixteen (16) years or above but who is under the age of eighteen (18) years.
Vexatious Complaint	Complaints that are instituted without sufficient grounds and serving only to cause annoyance.

Revision History

Revision number	Council resolution	Council meeting date
0		23 August 2004
1	Res No: 09/077	27 July 2009
2	E-Team	30 April 2013
3	Res No: 13/224.1	26 August 2013
4	Res No: 17/279	28 August 2017
5	Res No: 21/015	11 October 2021
6	Res No: 22/354	17 October 2022