

Kyogle Council

Child Protection Policy



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Table of Contents

1	PURPOSE.....	3
2	VALIDITY	3
3	OBJECTIVES	3
4	SCOPE.....	3
5	DEFINITIONS.....	4
6	RELATED DOCUMENTS.....	5
7	POLICY DETAILS	5
7.1	Policy Responsibilities.....	5
7.2	Reporting suspected abuse or neglect:	5
7.3	Child-safe organisation	6
7.4	Implementation of the Child Standards.....	6
7.5	Provisions	7
7.6	Investigating Allegations.....	8
8	REVIEW	8

1 PURPOSE

This Policy has been developed in alignment with state and federal legislation and outlines Council's requirements to minimise risk to children and young people and ensure their safety and wellbeing across all areas of the organisation.

The Policy informs Councillors, employees and volunteers about their obligations to act to protect the rights of children and young people and the important role they play in ensuring their safety and wellbeing

2 VALIDITY

This policy obtains its validity from Council resolution **TBA**

3 OBJECTIVES

Kyogle Council is committed to be a child safe organisation and the Child Protection Policy demonstrates Council's commitment to the safety and wellbeing of children and young people in our local government area. Council strongly supports the Office of the Children's Guardian's encouragement for organisations to use a range of responses to manage the potential risks in their individual environments, including meeting their Working With Children Check legal obligations.

The Office of the Children's Guardian further advises that, while a criminal record check can be an important tool in an organisation's approach to being 'child safe', it cannot identify people who have not previously been caught or are yet to offend."

This policy puts the safety and wellbeing of Children first and ensures Kyogle Council complies with the legislative framework covering the protection of children, specifically:

- *Child Protection (Working with Children) Act 2012*
- *Children & Young Persons (Care & Protection) Act 1998*
- *Ombudsman Act 1974*

All suspected cases of child abuse and neglect, or instances of children possibly at risk, coming to the notice of Kyogle Council, either observed by employees in the course of their duties, or reported to staff, will be reported immediately and in accordance with legislative requirements.

4 SCOPE

This Policy and relevant Procedures applies to all Council employees, Mayor and Councillors, contractors and subcontractors, work experience participants, volunteers and work experience persons.

This policy reflects Council's commitment to:

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; and

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.

5 DEFINITIONS

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.
Child related employment	Employment that primarily involves direct, unsupervised contact with children and includes: contractors, volunteers, trainees and or apprentices undertaking training as part of an educational or vocational course and work placement students.
FaCS	Family and Community Services: Community Services. FaCS 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.
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.
Reportable conduct	Any offensive behaviour or misconduct committed against, with or in the presence of a child or young person, including the following: <ul style="list-style-type: none"> • A sexual offence against, with or in the presence of a child • Sexual misconduct against, with or in the presence of a child • Ill treatment of a child • An assault against a child

- Neglect or failure to protect a child from abuse or harmful environments
- Inflicting psychological harm on a child.

Risk of significant harm The threshold to report child protection concerns to FaCS 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

6 RELATED DOCUMENTS

- Children’s Guardian Act 2019
- Child Protection (Working with Children) Act 2012.
- Child Protection (Working with Children) Regulation 2013.
- Children and Young Persons (Care and Protection) Act 1998.
- Kyogle Council Code of Conduct.
- Ombudsman Act 1974.
- Principles for Child Safe Organisations (2017).
- Royal Commission into Institutional Responses to Child Sexual Abuse (2017).

7 POLICY DETAILS

7.1 Policy Responsibilities

The Human Resources Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

7.2 Reporting suspected abuse or neglect:

The Children & Young People (Care & Protection) Act, 1998 places a duty of mandatory reporting on any person who, in the course of his or her professional work or other paid employment delivers services, wholly or partly, to children, and any person who holds a management position which includes direct responsibility for or direction of the delivery of services wholly or partly to children.

Anyone who suspects, on reasonable grounds, that a child or young person is at risk of being neglected or physically, sexually or emotionally abused, should report it to Community Services.

Reasonable grounds is the standard that reporters must use in deciding whether or not to report to Community Services. It does not mean that reporters are required to confirm their suspicions or provide solid proof before making a report. A useful rule of thumb is to consider whether another person, when faced with similar information, would also draw the same conclusion.

You can make a report by phoning the Child Protection Helpline on 132 111 for the cost of a local call, 24 hours a day, 7 days a week.

Employees are required to raise any issue of suspected abuse through their manager/supervisor, who must alert the General Manager or Executive staff immediately

The General Manager is responsible for collecting the necessary information and reporting incidents to the Child Protection Helpline on 132 111, and or Ombudsman.

A Child Abuse Allegation is an assertion or declaration that a child has been or is in danger of being abused. Wherever possible an allegation should have the following:

- The persons subject to the allegation are clearly identifiable
- The allegation details specific conduct or pattern of behaviour that indicates abuse or potential abuse
- An allegation can also include an allegation of misconduct that may involve child abuse and would cover allegations such as possession of child pornography

7.3 Child-safe organisation

Council promotes the safety and wellbeing of children and young people in our community. This involves implementing best practice approaches to child protection. Council supports 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.

7.4 Implementation of the Child Standards

1. Child safety is embedded in organisational leadership, governance and culture
 - Managers incorporate risk management of child abuse into decision making and actively monitor risk to child safety.
 - Managers promote a culture of reporting.
 - Build awareness of child protection through Council's communication channels.
 - Display child-friendly posters and other material promoting child safety.
 - Requirement for employees and volunteers working in child-related positions to have a current Working with Children Check (WWCC).
 - Child Protection Policy included in employee inductions
2. Children participate in decisions affecting them and are taken seriously
 - Children provide feedback and participate in decision making during events held by Council where appropriate.
 - Commitment to developing communication initiatives that use child-friendly language.
 - Display child-friendly posters in key Council sites where children visit, libraries and pools, so that they know who to reach out to if they feel uncomfortable.
3. Families and communities are informed and involved
 - Council's Code of Conduct and Child Protection Policy to be readily available on Council's website.
 - Distribute child safety information through relevant communication channels.
 - Use of child-friendly language where possible.
4. Equity is upheld and diverse needs are taken into account
 - Employees are provided with information with regard to elements that increase a child's vulnerability to harm.
 - Information is presented in a variety of formats to support and enable improved accessibility.
 - Regularly review Councils Disability Inclusion Action Plan to ensure children are included.
 - Partner with relevant community and government organisations to ensure we have the most current knowledge and understanding of children's needs.
 - Ensure all community members are provided opportunities regardless of age, race, gender, ethnicity or disability to participate in community.

5. People working with children are suitable and supported
 - Recruitment processes involve a range of interview questions to establish staff suitability. Working with Children Check, Police Check and reference checks are carried out on prospective employees.
 - Promotion of Child Safety during recruitment.
 - Requirement for employees and volunteers working in child-related positions to have a current Working with Children Check (WWCC).

6. Processes to respond to complaints of child abuse are child-focused
 - Managers create a culture where complaints are taken seriously, and all employees take responsibility for the safety of children.
 - Managers clearly explain that breaches of Council's Code of Conduct may result in disciplinary action.
 - Accessible procedures are provided to enable children, staff and others to make complaints.
 - Confidentiality in complaint-handling processes.
 - Review of policies and procedures to enhance child safety processes where applicable.
 - Provide ongoing support to a child or young person during the complaint process.

7. Employees are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
 - Ongoing education and training opportunities are provided for staff.
 - Managers encourage young employees to participate in decisions that affect them.

8. Physical and online environments minimise the opportunity for abuse to occur
 - Risk assessments to be undertaken to identify areas where adults have opportunities to interact with children unsupervised.
 - Add child protection as a risk to Council's Risk Management Framework.

9. Implementation of the Child Safe Standards is continuously reviewed and improved
 - Managers maintain and promote a culture of continuous improvement to ensure that policies and procedures are implemented.
 - Children are supported to provide feedback and this information is acted upon.
 - Review of Council Policies regularly and in accordance legislative requirements.

10. Policies and procedures document how the organisation is child safe.
 - Child Protection Policy, together with Council's Code of Conduct and complaint handling procedures are publicly accessible.
 - Documents are maintained in accordance with NSW record keeping requirements.

7.5 Provisions

Provisions are incorporated into the *Ombudsman Amendment Act 1998*, the *Children & Young Persons (Care & Protection) Act 1998*, for the protection of persons from defamation or other civil liability when reporting child abuse or undertaking employment screening in good faith and with reasonable care.

The identities of staff or Councillors reporting child abuse and neglect will be protected.

Protection is **not** available for disclosures, which are frivolous, malicious or vexatious or are made in an attempt to avoid dismissal or disciplinary action. Employees who wilfully make a false or misleading statement when making a disclosure will be disciplined in accordance with Council's Code of Conduct and the Local Government (State) Award 2017.

7.6 Investigating Allegations

The Department of Family and Community Services (FACS) is the agency with lead responsibility for child protection and has the legal mandate to ensure a child's safety, care and welfare. Accordingly, FACS has, among other duties, the role of:

- Receiving allegations of child abuse and neglect
- Responding to allegations
- Referring to the NSW Police any suspected criminal offences; and
- Including, as appropriate, the notifying agency in any response they are undertaking in relation to the allegation

As part of its coordinating role FACS may request that Council participate in the response in accordance with the Interagency Guidelines for Child Protection Intervention.

Council is obliged by law to notify the NSW Ombudsman's Office of any allegation of child abuse or neglect against an employee within thirty (30) days of receiving the allegation.

Policy detail.

8 REVIEW

This policy will be reviewed as required and in accordance with Councils Governance Policy.