

STRATHFIELD COUNCIL

CHILD PROTECTION POLICY

2022 - 2026

1. POLICY

Strathfield Council is committed to the safety and protection of children. This includes ensuring that every person working in any capacity with Council is held to the highest standards of child safety practices to maintain the safe participation of children and young people in all Council facilities, programs and events. This will be achieved by acting in the best interest of a child at all times and responding appropriately if concerns are raised. Council is committed to being a child safe organisation under the Child Protection (Working with Children) Act 2012 - [*Child Protection \(Working with Children\) Act 2012 No 51 - NSW Legislation*](#).

1.1 PURPOSE

The purpose of this policy is to ensure that Strathfield Council is compliant with all NSW child protection legislation and that Council continues to provide a safe and caring environment for children and young people who live and/or are visiting the Strathfield Council area. This includes mandatory reporting, recruitment and selection and responding to allegations against staff involving children and young people.

In the event that allegations are raised in relation to child abuse, this policy provides guidance to ensure that the allegations are properly addressed. All complaints will be treated seriously and fully investigated with maximum confidentiality and discretion.

1.2 OBJECTIVES

The objectives of the Child Protection Policy are to:

- Protect the health, safety and welfare of children receiving services from Strathfield Council and Council facilities
- Ensure that Councillors, Council staff, contractors, volunteers and others who provide programs and activities for children at Council facilities are aware of their responsibilities in relation to the safety of children.
- Acknowledge that Council has different roles (including direct service provision, hiring, leasing and licensing facilities and operating events) and that Council's roles and responsibilities relating to the safety of children are complemented by the roles and responsibilities of lessees/licensees, contractors, volunteers, event coordinators and hirers.

- 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.

1.3 SCOPE

This policy applies to all Councillors and Council staff (including those employed on a casual or contract basis- whether employed directly or through an agency), contractors and volunteers delivering services on Council’s behalf. The policy also applies to lessees/licensees and hirers of Council facilities and related entities such as sports clubs who operate from, or in Council owned or controlled facilities.

Child protection is a shared responsibility between Council, its employees, workers, contractors, parents/guardians, volunteers and members of the Strathfield community. Everyone that participates in Strathfield Council’s activities is responsible for the care and protection of children and reporting information about child abuse.

1.4 APPLICATION OF THE POLICY

This policy acknowledges legislative and regulatory instruments explicitly designed to keep children safe. These include the NSW Children and Young Persons (Care and Protection) Act 1988; Children’s Guardian Act 2019 and the Child Protection (Working with Children) Act 2012 and other listed legislation in this Policy.

1.5 DEFINITIONS

Abuse: Different types of harm or maltreatment. In this document it refers to types of harm or 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 voices of children and young people are valued and actioned.

DCJ: The NSW Department of Communities and Justice.

Mandatory Reporters: People who deliver services, to children as part of their paid or professional work and have a legal obligation to report child abuse. This is regulated by the *Children and Young Persons (Care and Protection) Act 1998*.

MRG: Mandatory Reporter Guide. The MRG is used by mandatory reporters to help assess whether a child or young person is at risk of significant harm.

Neglect: a term used to refer to a pattern characterised when a parent or caregiver cannot regularly provide a child or young person the basic requirements for his or her growth and development such as food, clothing, shelter, medical and dental care, adequate supervision and adequate parenting and care.

Risk of Significant Harm: 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.

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 a clearance or a bar to work with children.

Young Person: A young person is a person who is over the age of 16 years but under the age of 18 years.

2. PRINCIPLES

Strathfield Council commits to following all of the below principles and standards to ensure they are a child-safe organisation.

2.1 The Child Safe Standards 2017

There are ten Child Safe Standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse to ensure that organisations are child safe.

The ten standards are:

Standard 1: Child safety is embedded in organisational leadership, governance and culture

Standard 2: Children participate in decisions affecting them and are taken seriously

Standard 3: Families and communities are informed and involved

Standard 4: Equity is upheld and diverse needs are taken into account

Standard 5: People working with children are suitable and supported

Standard 6: Processes to respond to complaints of child abuse are child focused

Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

Standard 8: Physical and online environments minimise the opportunity for abuse to occur

Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved

Standard 10: Policies and procedures document how the organisation is child safe

2.2 The Office of the Children's Guardian's Principals for Child-Safe Organisations 2017

There are four principles that have been developed to help organisations think about strategies they can implement to keep children and young people safe.

The four principles are:

Principle 1: The organisation focuses on what is best for children

Principle 2: All children are respected and treated fairly

Principle 3: Children's families and communities are welcome and encouraged to participate in the organisation

Principle 4: Children receive services from skilled and caring adults

3. RESPONSIBILITIES

3.1 HEAD OF ENTITY

Council is considered a relevant entity and reporting body as per the Reportable Conduct Scheme and under the Children's Guardian Act 2019 must have a "head of a relevant entity". For the purpose of the Policy, Council's Head of Entity is the General Manager. The Head of Entity is required to notify the Children's Guardian of reportable allegations and convictions against employees. Responsibilities include:

- Ensuring the entity's compliance with legislative obligations under the Reportable Conduct Scheme
- Ensuring the entity has systems, policies and processes in place to adhere to the Children's Guardian Act 2019
- Should Council become aware of a reportable allegation or a reportable conviction, the Head of Entity must follow the below steps:
 - Notify the Office of the Children's Guardian within seven business days
 - Conduct an investigation into the allegations
 - Provide information about the allegation, the progress of the investigation and the finding and action taken
 - By 30 calendar days after the Head of Entity becomes aware of the reportable allegation, provide either a finalised entity report or an interim report update
 - Make a finding of reportable conduct if satisfied on the balance of probabilities
 - Report action taken as a result of the investigation eg disciplinary action, referred matter to another entity, made any changes to systems of policies or not taking any action
 - Ensure an appropriate level of confidentiality of information relating to reportable allegations and only disclose information about the allegations in circumstances permitted by the Act.

3.2 MANAGERS/LEADERS

Managers and Leaders are responsible for:

- Treating all complaints or allegations seriously and taking immediate action
- Notifying the Head of Entity and the Manager Human Resources and Organisational Development or any reportable action
- Determine child related roles within the organisation and for ongoing management of the process as supported by Human Resources

3.3 HUMAN RESOURCES SECTION

The Human Resources section is responsible for:

- Verifying workers with working with children checks
- Recording all working with children check documentation including expiry date
- Supporting managers with ongoing management of the process

3.4 EMPLOYEES

Employees are responsible for:

- Acting in accordance with the Children's Guardian Act 2019
- If working with children to have a valid Working with Children check
- Adhering to Council's Child Protection Policy
- Adhering to Council's Code of Conduct

3.5 OTHER RESPONSIBILITIES - MAINTAIN PROPER SYSTEMS

Council is required to have systems in place for preventing, detecting and responding to reportable allegations or convictions. This means in practice that Council will ensure it:

- has a code of conduct that provides clear guidance to employees about acceptable and unacceptable conduct in their interactions with children
- has policies and practices which embed the child safe standards and build a culture of reporting
- has information about reportable conduct available to your employees and those who attend your organisation, with clear information about how to report any child protection concerns or reportable allegations
- informs employees of their reporting obligations as part of their induction and deals with any failure to report as part of its misconduct processes
- has a process to ensure prompt reports are made to Police and the Department of Communities and Justice

- has a process for investigating reportable allegations while upholding the principles of procedural fairness

4. REPORTING OBLIGATIONS

Where there are concerns that a child or young person is at risk of being neglected or physically, sexually or emotionally abused, staff who are 'mandatory reporters' are required to report this to the Department of Communities and Justice (DCJ) by phoning the helpline on 132 111.

Mandatory Reporters should use the Mandatory Reporters Guide (MRG)

<https://reporter.childstory.nsw.gov.au/s/> to help decide whether a child is suspected to be at risk of significant harm.

Employees who are not mandatory reporters, as well as members of the community can also report the suspected risk of harm to the DCJ hotline.

As a reporting body Council has obligations to report findings of sexual misconduct and serious physical assault involving children by an employee to the Office of Children's Guardian.

Under the Child Protection (Working with Children) Act 2012, Council must investigate allegations of such conduct to make an informed finding as to whether or not the conduct occurred.

If the investigation results in a finding of sexual misconduct or serious physical assault, Council must report this to the Office of the Children's Guardian.

5. SELECTION AND RECRUITMENT

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.

RELATED LEGISLATION

Advocate for Children and Young People Act 2014
Child Protection (Offenders Prohibition Orders) Act 2004
Child Protection (Working with Children) Act 2012
Child Protection (Working with Children) Regulation 2013
Children and Young Persons (Care and Protection) Act 1998
Children and Young Persons (Care and Protection) Regulation 2012
Children's Guardian Act 2019

RELATED DOCUMENTS AND COUNCIL POLICY

Strathfield Council Code of Conduct
Strathfield Council Complaint Handling Policy
Mandatory Reporter Guide (MRG) 2010
NSW Child Safe Standards
Office of the Children's Guardians Principles for Child Safe Organisations (2017)
Royal Commission into Institutional Responses to Child Sex Abuse (2017)
The ChildStory Reporter