



CHILD SAFE POLICY

Public Document

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Purpose

Mosman Council is committed to the safety of children. This policy outlines Council's approach to keeping children safe and articulates Council's expectations of all those who provide services for children on behalf of Council, or who otherwise provide programs and activities for children at Council owned or controlled facilities.

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 and handled with maximum confidentiality and discretion.

Objectives

The objectives of the Child Safe Policy are to:

- protect the health, safety and welfare of children receiving services from Mosman Council or at Council facilities
- ensure that Council staff, contractors, work experience students, volunteers, Councillors 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, running and licensing 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.
- put children front and centre and to empower them by listening to their views, respect their views and involve them when making decisions, where appropriate, especially about matters that will directly affect them (including their safety). Informed and empowered children and young people are more able and likely to contribute to the prevention of abuse.

Scope

This policy applies to all Councillors and to Council staff (including those employed on a casual or contract basis - whether employed directly or through an agency), work experience students, 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, on or in Council owned or controlled facilities.

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

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 1998; the Children's Guardian Act 2019, specifically part 4' and the Children's Guardian Amendment (Child Safe Scheme) Bill 2021.

This Policy acknowledges that there is diversity in activities and projects across Council and that the roles and responsibilities of Councillors, staff, volunteers, contractors, hirers, lessees and licensees will vary accordingly.

Child safe environments

- The Children's Guardian Amendment (Child Safe Scheme) Bill 2021 states that **all** organisations that have any contact with children must be compliant with 10 National Child Safe Standards as outlined in Volume 6, Making Institutions Child Safe. The Standards are a benchmark against which organisations can assess their child safe capacity and set performance targets for a best practice approach to child safety. (<https://ocg.nsw.gov.au/child-safe-scheme>)

For an environment to be child safe, it must take into account both the built and online environments and provide:

- Buildings, facilities, equipment and systems that are designed with children's needs in mind, where activities are easy to supervise and oversee (for example doors should not have locks on them, and solid doors should have viewing panels)
- Privacy/confidentiality of information
- Staff who are trained and operate within policies and processes that support them

Council supports the active participation of children in the programs, activities and services we offer. We provide a range of ways to allow children to provide feedback or raise concerns. We listen to their views, respect what they say and involve them when we make decisions, especially about matters that will directly affect them.

Staffing Practices

1. Recruitment and employment provisions

Mosman Council will ensure robust recruitment and employment provisions to keep children safe including confirming candidate's identity, obtaining references, conducting interviews that ask child safeguarding questions and completing relevant background checks.

All staff and volunteers who work with children, and the General Manager are required to hold a satisfactory Working with Children Check (WWCC). These Checks must be provided during recruitment and will be retained on file. Council as an employer will be notified by the Office of the Children's Guardian if any new relevant record appears that leads to the worker becoming barred from work with children.

Human Resources keeps a register of staff requiring WWCC and notifies the supervisor and staff member concerned when the check is due for renewal. A WWCC is valid for 5 years.

The Volunteer Coordinator keeps a register of volunteers requiring WWCC and notifies the supervisor and staff member concerned when the check is due for renewal.

The Managers will be responsible for ensuring all Contractors working with children have valid WWCC and that these are recorded in ECM.

Letters of appointment for all new staff and volunteers are to contain a stipulation that a person in a position that requires a WWCC must notify Council immediately if they are charged with a child related offence.

All staff and volunteers will be required to sign a statement agreeing to comply with all relevant policies and processes.

2. Induction

All staff and volunteers who work with children are designated as Mandatory Reporters and are to be informed of their responsibilities as a Mandatory Reporter as part of their orientation and induction process.

Keeping children safe is everyone's business and everyone involved in children's care need to be aware of their obligations and respond appropriately to issues of child abuse and sexual exploitation of children.

Information relating to sexual grooming and child safeguarding will also be provided during induction to ensure that these staff are fully aware of Council's expectations relating to appropriate professional practice with children.

An induction checklist that confirms that child safety related discussions have been held is to be completed for each staff member and volunteer who works with children.

3. Training

All Council employees, Councillors, volunteers and work experience students will undertake child safe training.

All staff and volunteers who work with children are to hold appropriate qualifications.

Ongoing training will be provided to staff and volunteers to ensure skills and knowledge relevant to the safety of children are kept current.

4. Ratios

There are mandated ratios for staff working with otherwise unsupervised children. These ratios will always be observed. Further, no staff member and volunteer who works with children is ever to work alone, and no facility is ever to be staffed by a single staff member or volunteer if children are in that facility unsupervised by others.

5. Contractors and other persons

Where Council engages any contractor, labour hire, agency staff or work experience placement student to assist in the delivery of services that may involve contact with children they will be subjected to the same checks, induction and training applied to staff working with children

All contractors, labour hire, agency staff or work experience placement students will be required to sign a statement agreeing to comply with all relevant policies and processes.

Responding to and managing complaints of child abuse

1. Recognising and reporting child abuse

A person may, in the course of carrying out their work, form a belief on reasonable grounds that a child is in need of protection from child abuse.

If a person is concerned about an immediate risk to a child's safety, the person must phone "000" as soon as practicable.

Child abuse can be divided into four categories:

- **Physical abuse:** occurs when a child has suffered, or is likely to suffer, significant harm as a result of a physical injury, such as a non-accidental physical injury.
- **Sexual abuse:** occurs when a child has suffered, or is likely to suffer, significant harm as a result of sexual abuse, such as when a child is exploited, or used by another for his or her sexual gratification or sexual arousal, or for that of others.
- **Emotional and psychological abuse:** occurs when a child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is or is likely to be significantly damaged; and
- **Neglect:** occurs when a child's physical development or health has been, or is likely to be significantly damaged. It refers to an omission, such as depriving a child of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, or medical care.

Child abuse includes any action that results in actual or potential harm to a child, in circumstances where the child's parents have not protected, or are unlikely to protect, the child.

2. Mandatory Reporting

Where there are concerns that a child may be at risk of significant harm, staff are required by law to report their concerns to the NSW Department of Communities and Justice:

<https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/what-when-to-report>.

All staff and volunteers who work with children are designated mandatory reporters and as such must be capable of identifying if a child is at risk and making the appropriate reports.

Mandatory reporters in NSW should use the Mandatory Reporter Guide (MRG) if they have concerns that a child or young person is at risk of being neglected or physically, sexually or emotionally abused <https://reporter.childstory.nsw.gov.au/s/mrg>

Should a staff member be suspected of putting a child or young person at risk, a report must be made immediately to Mosman Council Human Resources for their investigation in addition to the mandatory report to the NSW Department of Communities and Justice. An additional report will be made by Council to the Office of the Children's Guardian within 7 days.

Any person that makes a report in good faith in accordance with their reporting obligations (whether mandatory or discretionary) will be supported by Council, and will not be penalised by Council for making the report.

If a person is uncertain as to whether they should make a report to an external authority in relation to the safety of a child, they may speak to their Line Manager or Department Director for guidance and information.

3. Child Safe Reporting

All Mosman employees, volunteers, contractors and Councillors have reporting obligations under child safety and protection legislation and Mosman Council's Child Safe Reporting Procedure to report known, suspected or alleged child abuse, misconduct or inappropriate behaviour

4. Reportable Conduct

Under the NSW Children's Guardian Act 2019 Mosman Council has a duty to investigate and report on reportable allegations and reportable convictions made against Council employees, volunteers or certain contractors who provide services to children.

When the General Manager becomes aware of a reportable allegation or a reportable conviction, the General Manager must notify the Office of the Children's Guardian within seven business days and conduct an investigation into the allegations.

If the final report is not ready to submit within 30 calendar days, the General Manager must provide an interim report with information about the progress of the investigation and an expected timeframe for completion.

5. Complaints Management

Mosman Council's Complaints Management Policy provides for the confidential investigation of allegations, and for fairness to be applied throughout the process.

Mosman Council supports and encourages a person to make a report to the Police or Department of Communities and Justice if they form a belief on reasonable grounds that a child is in need of protection, or they are concerned about the safety, health or wellbeing of a child.

If an allegation is made against a member of staff or volunteer, Council will follow the reporting procedure outlined in Mosman Council's Complaints Management Policy and take all steps to ensure that the safety of the child is paramount. An initial step will involve the withdrawal of the accused person from active duty, which could entail standing down, reassignment to a role without direct contact with children, working under closer supervision during an investigation, working from home, or any other measures deemed appropriate depending on the seriousness of the allegation.

Council will investigate allegations of inappropriate conduct against a child in accordance with procedural fairness and will handle the allegations in a confidential manner to the greatest extent possible.

Council will cooperate with the directions of the Police and/or Department of Communities and Justice in relation to any investigation conducted by these authorities.

Council will keep a register of any allegations regarding inappropriate conduct.

6. Local Government (State) Award

The Local Government (State) Award provides for the suspension of staff from duties during an investigation, and following investigation, summary dismissal in the case of serious misconduct.

7. Child Safe Code of Conduct

The Child Safe Code of Conduct sets expectations for how adults at Council should behave around children. It identifies positive child safe behaviours that we encourage all adults to support and identifies behaviours that we consider unacceptable. Engaging in unacceptable behaviour is a breach of this Code of Conduct and may result in formal disciplinary actions including termination of employment.

8. Record Keeping

Council's electronic Document Management System provides for high levels of security for documents and reports. While access to information is provided for under the Government Information (Public Access) Act 2009 (The GIPA Act 2009), certain information including that covered by the Child Protection (Offenders Registration) Act is specifically prohibited under Schedule 1 of the GIPA Act 2009.

9. Employee Assistance Program

Council seeks to attract and retain the best staff and volunteers. We provide support and supervision so people feel valued, respected and fairly treated. We have a Code of Conduct to provide guidance to our staff and volunteers and an Employee Assistance Program to support their emotional wellbeing. A staff member can reach out to the EAP if they experience distress relating

to a child safety situation, however staff may not be able to seek procedural advice on responding to child safety concerns from the EAP as they are external to the organisation

Other considerations

1. Publishing photographs and videos

Informed consent from the child and written permission from parents/guardians or carers of children must be sought before any photographs or videos identifying those children are published by Council.

2. Software procurement

Before procuring software for use by Council, steps are to be taken to ensure that products meet the Commonwealth and State Privacy Laws in particular the Privacy Act 1988, the Privacy and Personal Information Protection Act 1998 (PPIP Act) and Privacy Amendment Act 2012 (Reform Act), particularly relating storage and security of personal information.

3. General procurement

Where, during the tender process prospective tenderers are notified that their services may from time to time involve working in the vicinity of children, or directly with children, Council will require tenderers to meet child safety standards and will follow Commonwealth Government's Procurement Rules when contracting organisations that will come into contact with children.

4. Social Media and Online Safety

To ensure the safety and wellbeing of children, work-specific social media profiles are to be established. These profiles must not contain any personal information about staff members and will be monitored by supervisors. Staff should be made aware they must never use their own personal social media profiles to communicate with children they have met in their context of their employment. The Council Social Media Policy is available for reference – ECM:Fixed Reference No. 5399152

5. Cyber protection at Council facilities

Cyber safety is an important area of concern. Council applies filters on staff and free public wi-fi and in-house internet including the Library as part of its membership of the Shorelink Library network. Council is also a member of the eSmart libraries program:

<https://www.esmart.org.au/esmart-libraries/>

6. Hirers, licensees and lessees of Council venues and facilities

The Guidelines for casual use of Council venues and facilities are to inform hirers of Council's expectations that hirers will inform themselves of their obligations under Child Protection Legislation and under Council's Child Safe Policy if they provide services or activities for children and young people. In entering into a casual use agreement or other lease or licence with Council, hirers, lessees and licensees are required to attest that they have met their obligations relating to Child Protection and will continue to do so for the entirety of the hire or lease/licence period. This includes requirements for Working with Children Checks and Prohibited Employment Declarations for all persons working directly with children.

All hirers, lessees and licensees will be required to sign a statement agreeing to comply with all relevant legislation and Council policy relating to child safety and processes.

Related Information/Glossary

Definitions

Child is a young person under the age of 18. For the purpose of this policy this includes children under 18 years of age who may otherwise be described as youth or young people in other Council policies, protocols and corporate practices.

Child protection means any responsibility, measure or activity undertaken to safeguard children from harm.

Child safety

Keeping children from harm from or risk of physical violence, sexual offences, serious emotional or psychological abuse and neglect. This policy acknowledges that harm can occur in both face-to-face and online environments.

Mandatory Reporter

A Mandatory Reporter is anybody who delivers services, wholly or partly, to children as part of their paid or professional work. At Mosman Council all staff and volunteers who work directly with children are Mandatory Reporters <https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/about>

Relevant Legislation and Other Policy Documents

- Children's Guardian Amendment (Child Safe Scheme) Bill 2021
- 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
- Crimes Act 1900
- Crimes (Domestic and Personal Violence) Act 2007
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2012
- Government Information (Public Access) Act 2009
- NSW Children's Guardian Act 2019
- Privacy Act 1988
- Privacy Amendment Act 2012 (Reform Act)
- Privacy and Personal Information Protection Act 1998
- Young Offenders Act 1997

Review

This policy will be reviewed every four years unless otherwise directed by the Executive Team.

Contact

Enquiries should be directed to the Manager Community Services on 9978 4006.

Amendments

Date	Amendment	Reference