



Council Policy

Child Safe

Version 1 - 27 February 2023

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Introduction

Purpose

Lake Macquarie City Council ('Council') is committed to providing safe and inclusive environments for all children. We will act upon every report of child abuse, and breach of the child safe standards of behaviour. We strive to ensure children can participate in all aspects of our service in a safe and rewarding manner. This policy aims to provide a framework for how our organisation can be responsive to children's needs, how our workforce can interact appropriately with children and how we respond to ensure children's safety is held in the highest regard. We strive to always enact the three underlying principles of child safety:

1. The likelihood of children being harmed is reduced
2. The likelihood of Council staff identifying and reporting harm is increased
3. Council responds appropriately to disclosures, allegations and suspicions of harm

Scope

This policy is applicable to everyone engaged in Council activities, including:

- employees of Council
- Councillors

Policy statement

Council is committed to being a child safe organisation, by embedding the NSW Child Safe Standards into our leadership, governance and organisational culture. We acknowledge the significant lifelong impact any form of abuse can have on children and young people, and we strive to ensure all children are kept free from harm whilst engaging with our services. We recognise that feeling safe is just as important as being safe and we are committed to upskilling our workforce to build awareness and accountability in embedding the standards, particularly in responding to child safety in everything we do. We will engage with our youngest population in ways that are meaningful and relevant to them. We strive to ensure our community is a place where all children are valued, respected and, above all, safe.

Child Safe Standards

Council fully supports and adopts the ten child safe standards identified by the Royal Commission into Institutional Responses into Child Sexual Abuse. The ten standards will be progressively adopted and implemented across Council's policies, procedures and practices.

The ten child safe standards are:

1. Child safety is embedded in organisational leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld, and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child abuse are child focused
7. Staff are equipped with the knowledge, skills, and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur

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9. Implementation of the Child Safe Standards is continuously reviewed
10. Policies and procedures document how the organisation is child safe

Principles

Child safe culture

Council supports the active participation of children in our services, programs and events.

Council's Codes of Conduct establish a clear set of rules and expectations for behaviour that is in line with Council's Child safe culture and values. Having clear rules and expectations of expected behaviours with Children helps to prevent child abuse and encourages reporting.

Wherever applicable, we inform children and young people about what they can do if they feel unsafe.

Child related work

A Working with Children Check is required for all child-related work. Refer to the Working with Children Check procedure for details on which positions require a check.

Council employs fit for purpose recruitment and selection processes including a Working with Children check, Police check and reference checks for child-related roles.

Hiring managers and recruitment staff, together with relevant Directors are responsible for:

- ensuring working with children checks have been carried out for designated roles before hiring a prospective employee, and
- not continuing to employ, in child-related work, a person that has been identified as disqualified from the check.

The conduct of individuals holding a Working with Children Check is subject to the Reportable Conduct Scheme at all times.

Training requirements

Training and induction are important to ensure that all employees and Councillors understand that the safety of children is the responsibility of everyone. All employees and Councillors will be provided with appropriate training to ensure that they understand Council's commitment to child safety and that everyone has a role to play in safeguarding children.

Child safety 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 safety 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 safety risk management planning is incorporated into risk management review and actions for the following:

- each individual Council staffed facility where children attend, and
- each unique service offered to children (regardless of whether or not the service is exclusively for children), and
- each event, program or service provided by Council employees delivered outside of a staffed Council facility, where children are expected to attend or be present.

Reporting and responding to child safety concerns

All Council employees and Councillors 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 the Protecting and Supporting Children and Young People procedure. If an allegation of abuse, inappropriate behaviour, misconduct or a safety concern is raised, Council will:

- ensure that processes for responding to alleged abuse and misconduct are fair and focus on child safety
- assess and where appropriate, notify relevant authorities and investigate the allegation
- in the event that an employee or Councillor poses a serious risk of abusing a child under the age of 18, remove or reduce the risk to the child
- provide reports and/or progress updates to the relevant authorities and where appropriate people involved in any incident
- maintain confidentiality, in accordance with legislation, for all records and information relating to child safety and protection matters. All records will be maintained in secure electronic files and access will be strictly controlled
- provide support or make referrals for support to alleged victims, their families and affected Council employees or Councillors, 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, and
- undertake timely reviews of organisational child safety policies, procedures and/or relevant child safety risk management plans following an incident to help drive continuous improvement.

Grants and contracts involving child-related work

Council has leases, licences and service agreements with a number of sporting/recreational organisations and/or community organisations that provide services for the benefit of the community on behalf of the Council, including aquatic and leisure centres, child care, and recreation facilities.

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

National Redress Scheme

Council acknowledges the life-long impact of institutional child sexual abuse on survivors and is a participating organisation in the National Redress Scheme. As a participating organisation, if a survivor of child sexual abuse seeks access to the National Redress Scheme, Council will act with discretion, in good faith and use its best endeavours to assist people applying for redress by searching for and providing information.

Review and Evaluation

This policy will be reviewed every two years, or in line with legislative changes.

Controlled Document Information

Authorisation Details

Folder No:	F2022/02166	TRIM Record No:	D10965885
Audience:	External - Councillors and staff		
Department:	Community Partnerships	Officer:	Community Planner Children and Families - Jessica Salvador
Key focus area(s):	Connected Communities		
Review Timeframe: Max < 4 years	2 years	Next Scheduled Review Date:	27 February 2025
Authorisation:	Adopted by Council - 27 February 2023		
Authorisation - Council Adoption Date:	27 February 2023		

Related Document Information, Standards & References

Related Legislation:	(Legislation Name)	(Relationship/Context)
	<p><i>Child Protection (Working with Children) Act 2012</i></p> <p><i>Child Protection (Working with Children) Regulation 2013</i></p>	<p>It is an offence for an employer to fail to obtain and verify the details of a worker employed to work with children or to keep a record of the details obtained. The bill provides for penalty infringement notices to be served on employers who fail to ensure staff working with children have obtained clearance.</p>
	<p><i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i></p> <p><i>NSW Children (Education and Care Services National Law Application) Act 2010 (NSW)</i></p>	<p>Definition of risk of significant harm, making reports of child abuse and neglect to relevant agencies, mandatory reporters.</p> <p>Education and care services must keep children safe and report any instances of child abuse and neglect.</p>
	<p><i>Criminal Legislation Amendment (Child Sexual Abuse) Act 2018 No 33</i></p>	<p>This includes the 'failing to protect' offence where a person will commit an offence if they know that another adult in the organisation who works with children poses a serious risk of physically or sexually abusing a child. This also includes the 'failing to report' offence where a person will commit an offence for failing to report child abuse. The new offence, section 316A, will apply where a person knows, believes or reasonably ought to know that a child abuse offence has been committed against a child.</p>
	<p><i>Civil Liability Amendment (Organisational Child Abuse Liability) Act 2018 No 56</i></p>	<p>Councils can be held vicariously liable for the abuse of children perpetrated by people who are employed by council and by people who are "akin to employees" of council.</p>
	<p><i>Children's Guardian Act 2019 (November 2019)</i></p> <p><i>NSW Child Safe Standards</i></p>	<p>Council's have obligations to implement and continuously review the 10 child safe standards throughout their organisation policies and processes.</p> <p>Councils have obligations to investigate reportable allegations and to make determinations about reportable convictions, which are convictions for an offence. The Act also requires a relevant entity to have</p>

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	<p><i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth).</i></p> <p><i>Privacy and Personal Information Protection Act 1998 (NSW)</i></p> <p><i>State Records Act 1998 (NSW)</i></p> <p><i>United Nations Conventions on the Rights of the Child</i></p>	<p>a Code of Conduct and policies in place to prevent and detect reportable conduct by employees of the entity.</p> <p>All councils in NSW are part of the redress scheme under which, if requested, the Mayor will provide a personal response and apology to a victim of child sexual abuse, and the General Manager/CEO will provide all available information and documentation to assist in an investigation of historical cases of child abuse.</p> <p>All persons involved in investigations have the right to have their personal information protected. Records must be kept secure and safe.</p> <p>The Convention outlines 54 articles which relate to children rights, including the right to be safe and protected from harm.</p>
Related Policies:	(Policy Name)	(Relationship/Context)
Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:	<p>(Document Name)</p> <p>Protecting and Supporting Children and Young People – Internal Procedure (Version 1, September 2021)</p> <p>Working with Children Check - Internal Procedure (Version 1, September 2021)</p>	<p>(Relationship/Context)</p> <p>Reportable Conduct procedure for all employees.</p> <p>Working with Children Check for all child identified positions.</p>
Standards, COP's & Other References	<p>(Standard, COP or Other References)</p> <p>Ten Child Safe Standards</p>	<p>(Relationship/Context)</p> <p>October 2021 – Amended Children's Guardian Act. New Regulations for mandatory child safe standards</p>

Definitions

Term / Abbreviation	Definition
Abuse	All forms of physical, and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment, resulting in actual or potential harm to the child's health, survival, development or dignity.
Allegation	Includes an allegation which 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.
Child / Children	A person who is under 18 years of age.
Child-Related Work	<p>Work which involves direct contact by the worker with a child or children where that contact is a usual part of and more than incidental to the work. It also includes work that is likely to involve contact with a child in connection with at least one of the 20 legislated categories of child-related work, which include:</p> <ul style="list-style-type: none"> education and care and child-minding services mentoring and counselling services for children clubs or other bodies providing programs and services for children entertainment for children – includes sporting, cultural or other entertainment venues used primarily by children and entertainment services for children transport services for children - including school bus services, and taxi services for children with a disability. <p>It may also include a worker who has access to confidential records or information about children.</p>

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Employee	Any person engaged in work for Lake Macquarie City Council in any of the following capacities: <ul style="list-style-type: none"> • full-time, part-time, casual, temporary and fixed term employees • volunteers • contractors and labour hire, engaged in child related work or students on placement
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 and formal procurement processes such as Request for Quotations (RFQs), Tenders, Expressions of Interest (EOIs), and one-off or standing purchase orders.
Direct Contact	Means physical or face-to-face contact, phone and video link, and contact online.
Investigation (of Reportable Allegations or Conduct)	The process in which Council: <ul style="list-style-type: none"> • gathers all relevant facts • manages risks to children, employees, councillors and the organisation during an investigation • makes an assessment as to whether an allegation is reportable under the reportable conduct scheme • notifies the Children’s Guardian of the reportable allegation or conduct • makes a finding of reportable conduct including whether an allegation is sustained or not, and • provides information to assist any relevant employment proceedings.
National Redress Scheme	The redress scheme provides child abuse survivors with access to redress for historic crimes.
Reportable Conduct	Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded: <ol style="list-style-type: none"> 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 failing to report child abuse g) behaviour that causes significant emotional or psychological harm to a child.
Survivor	A person who has suffered sexual abuse that is within the scope of the National Redress Scheme.

Consultation (update for each version created)

Key Departments, Teams, Positions, Meetings:	Legal Counsel, City of Sydney, Office of the Children’s Guardian, People Culture and Risk, Manager of COPA,
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Version History

Version No	Date Changed	Modified By	Details and Comments
1	February 2023	Jessica Salvador	New external policy