



WAVERLEY
COUNCIL

Child Safe Policy

Policy owner	Community Programs
Prepared by	Manager Children & Family Services
Approved by	Council
Date approved	19 May 2020
Commencement date	1 July 2020
Version	1
Category	
Keywords	
Revision date	28 July 2023
Amendments	
Relevant strategic direction	Waverley Community Strategic Plan 2018-2019
Relevant legislation/codes	The NSW Local Government Act (1993) Environmental Planning and Assessment (EPA) Act 1979 State Records Act 1998 Government Information (Public Access) Act 2009 Privacy and Personal Information Protection Act 1998 Children and Young Persons (Care and Protection) Act 1998 Children and Young Persons (Care and Protection) Regulation 2012 Child Protection (Working with Children) Act 2012 Child Protection (Working with Children) Regulation 2013 Children's Guardian Act 2019 Education and Care Services National Law Act 2010 Education and Care Services National Regulations 2012 Ombudsman Act 1974 Young Offenders Act 1997
Related policies/documents	Waverley Community Strategic Plan 2018-2029 Waverley Council, Recruitment Guidelines (July 2018) Waverley Council, Respectful Workplace Policy (17 July 2017) Waverley Council, Complaints Management Policy (20 September 2011) Waverley Council, Children & Family Services Policies (July 2023) Waverley Council, Code of Conduct Waverley Council, Early Childhood Code of Ethics Access to Information Policy Records Management Policy United Nation Convention on the Rights of the Child (1990)
Related forms	

Table of Contents

Table of Contents.....	3
1. Background	4
2. Objective.....	4
3. Scope	5
4. Policy Content	5
4.1 Council’s commitment to child safety	5
1.4.1 Our children	5
4.1.2 Training	5
4.1.3 Recruitment	6
4.1.5 Reporting.....	6
4.1.6 Mandatory Reporters.....	6
1.4.2 Privacy and confidentiality.....	7
1.5 Child Safety – Professional behaviours.....	7
1.6 Photographing or filming a child or children for work related purposes	7
4.4 Roles and Responsibilities.....	8
5. Review of Policy	8
6. Definitions.....	8

1. Background

The Office of the Children’s Guardian introduced the Child Safe Standards to improve the way organisations provide services for children and young people to prevent and respond to any child abuse which may occur within their organisations. The Child Safe Standards are a central feature of the New South Wales Government’s response to the Royal Commission (2017).

The Child Safe Standards are as follows:

- Standard 1:** Child safety is embedded in institutional 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 sexual 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 institution is child safe.

The following principles from the Office of the Children’s Guardian must be included as part of Council’s response to each Standard:

- promoting the safety of children.
- promoting respect and fair treatment of children
- promoting the safety of children from diverse background
- promoting and encouraging participation of children in the organisation.

This policy has been prepared in response to the Office of the Children’s Guardian Child Safe Standards, particularly Standard 10.

2. Objective

This policy is designed to assist Council to prevent and respond to any alleged child abuse or child safety concerns that may occur within Council or any alleged child abuse or child safety concerns which is reported to Council.

This policy aims to:

1. embed an organisational culture of child safety, for all children and young people including children or young people with disability, and
2. promote the cultural safety of child and young people who come from culturally and linguistically diverse background.

This policy also informs Council employees, students, trainees, apprentices, volunteers, contractors and Councillors of their legal and duty of care obligations in reporting alleged child abuse and neglect.

3. Scope

This Policy applies to all Council employees, students, trainees, apprentices, volunteers, contractors and Councillors.

The Policy is intended to be read in conjunction with:

- the new *Children’s Guardian Act 2019* which commenced on 1 March 2020. The new Act includes responsibility for the Reportable Conduct Scheme, which is being transferred to the Office of the Children’s Guardian from the Ombudsman. The Reportable Conduct Scheme oversees investigations conducted by relevant organisations when an allegation of reportable conduct is made against an employee.
- any business unit policy, procedure or requirements covering child safety, which will prevail over this policy to the extent of any inconsistency.
- the Child Safe Standards.

4. Policy Content

4.1 Council’s commitment to child safety

Council is committed to child safety.

Council has zero tolerance of child exploitation or abuse. Council will not knowingly engage – directly or indirectly – anyone who poses a risk to children. Council works to minimise the risks of child exploitation and abuse associated with its functions and programs, and trains its employees, students, trainees, apprentices, volunteers, contractors and Councillors on their obligations under this policy.

Council is committed to preventing child exploitation and abuse. Whilst it is not possible to entirely eliminate risks of child exploitation and abuse, careful management can identify, mitigate, manage or reduce the risks to children that may be associated with Council functions and programs.

Council is committed to having a robust recruitment screening processes for all Council employees, students, trainees, apprentices, volunteers and contractors in contact with children.

Australia is a signatory to the United Nations Convention on the Rights of the Child. Council is committed to upholding the rights of the child. In all actions concerning children, the best interests of the child shall be a primary consideration.

1.4.1 Our children

Council promotes diversity, tolerance and people from all walks of life and cultural backgrounds are welcome. Council endeavours to:

- Promote the cultural safety, participation and empowerment of children and young people from culturally and/or linguistically diverse background; and
- Ensure that children and young people with a disability are safe and can participate equally.

4.1.2 Training

Council understands that child safety is everyone’s responsibility.

To ensure Council maintain a child safe culture Council employees, students, trainees, apprentices, volunteers, contractors and Councillors will be informed, resourced and supported to understand their role in providing a safe environment for children.

Council will provide appropriate best practice induction and ongoing training for Council employees, students, trainees, apprentices, volunteers, contractors and Councillors engaged in the care of children to:

- (a) understand child safe policies and procedures
- (b) identify signs of harm including child exploitation or abuse
- (c) raise awareness of child sexual child exploitation or abuse and mandatory reporting
- (d) raise awareness of appropriate/inappropriate behaviour
- (e) understand the requirements and process for mandatory reporting and handling complaints and/or allegations
- (f) ensure understanding of the requirements of a child safe environment
- (g) develop practical skills in protecting children and responding to disclosures.

4.1.3 Recruitment

Council will ensure all Council employees, students, trainees, apprentices, volunteers and contractors who work with children have a current Working with Children Check (WWCC) and that there is an appropriate screening process for Council employees, students, trainees, apprentices, volunteers and contractors that work with children. These may include verbal referee checks, interview guides, behavioural based interview, advertisements and selection criteria which clearly demonstrate our commitment to child safety. A criminal records check is required for staff working in children's services.

4.1.5 Reporting

All incidents or allegations of child abuse should be reported to your manager so that Council can immediately take the appropriate steps to assess and minimise any further risk or harm. Allegations or incidents can be reported by Council employees, students, trainees, apprentices, volunteers, contractors or Councillors. Emergency situations or where there is immediate serious harm to the child need to be reported to the police.

A reportable allegation is made where a child, young person or adult makes an allegation, based on a reasonable belief, that a Council employee, student, trainee, apprentice, volunteer, contractor or Councillor has been involved in the abuse of a child or young person.

Council will support any relevant authorities' investigations into any concerns about children and/or allegations of exploitation or abuse towards children.

While investigations are being conducted Council will ensure child protection measures continue to be in place. In consultation with police and other authorities, and subject to their approval, we will conduct our own inquiries to identify opportunities for child safe practice improvements.

4.1.6 Mandatory Reporters

Mandatory Reporters who are required by law to report suspected child abuse and neglect to the Department of Communities and Justice (DCJ) are people who deliver the following services, wholly or partly, to children as part of their paid or professional work, and include:

- (a) Health care – registered medical practitioners, specialists, enrolled and registered nurses, registered midwives, occupational therapists, speech pathologists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices.
- (b) Welfare – registered psychologists, social workers, caseworkers and youth workers.
- (c) Education – teachers, counsellors, principals.
- (d) Early education and care services – early childhood workers, family day care educators and home-based carers.
- (e) Residential services – refuge workers, community housing providers.
- (f) Law enforcement – police.

1.4.2 Privacy and confidentiality

Council will respect the privacy of all individuals involved, whether they are Council employees, students, trainees, apprentices, volunteers, contractors or Councillors.

Information will be treated as confidential and will only be used and disclosed on a need-to-know basis, with the consent of the individual or their authorised representative, or otherwise in accordance with law.

1.5 Child Safety – Professional behaviours

Council employees, students, trainees, apprentices, volunteers, contractors and Councillors undertaking business with or on behalf of Council that involves working with or contacting children are expected to adhere to the following behaviour while they perform those duties:

- (a) treat all children with respect
- (b) not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- (c) not engage children under the age of 18 in any form of sexual intercourse or sexual activity
- (d) wherever possible ensure another adult is present when working near children
- (e) not invite unaccompanied children into private residences
- (f) never use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access child exploitation material through any medium
- (g) not use physical punishment on children
- (h) comply with all relevant Australian and NSW legislation
- (i) immediately report concerns or allegations of child exploitation and abuse

1.6 Photographing or filming a child or children for work related purposes

When photographing or filming a child or children for work related purposes:

1. obtain informed consent from the child and parent or guardian of the child before photographing or filming a child. An explanation of how the photograph or film will be used must be provided.
2. ensure photographs, films, videos present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
3. ensure images are honest representation of the context and the facts.

4. ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.

4.4 Roles and Responsibilities

Role	Responsibility
Council	Publicly commits to child safety. Leaders champion a child safe culture.
Director Community, Culture and Customer Experience	Oversees implementation and review of this Policy.
Directors and Executive Managers	Ensuring staff comply with this Policy and make use of the support mechanisms, tools and resources provided to guide implementation.
Communications and Engagement Team	Providing implementation advice and assistance, facilitating distribution of information and resources for promoting child safe practices using various communication channels. Relevant resources and tools need to be up-to-date and readily accessible.
Service Providers	Ensure that risk management strategies focus on preventing, identifying and mitigating risks to children.
Council employees, Volunteers and contractors	Understand and implement the policies and procedures. Follow the code of conduct that sets clear behavioural standards towards children. Are aware of their child safety responsibilities including reporting obligations. Understand their obligations on information sharing and record keeping.

5. Review of Policy

This policy will be reviewed every four years or as required in the event of legislative changes or requirements. The policy may also be changed as a result of other amendments.

Council staff and members of the public may provide feedback about this document by emailing adminmillhill@waverley.nsw.gov.au

6. Definitions

Term	Definition
Abuse	Physical abuse —the use of physical force against a child that results in harm to the child. Physically abusive behaviour includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning.

Term	Definition
	<p>Neglect—the failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing.</p> <p>Emotional abuse—refers to a parent or caregiver’s inappropriate verbal or symbolic acts toward a child, or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Such acts have a high probability of damaging a child’s self-esteem or social competence.</p> <p>Sexual abuse—the use of a child for sexual gratification by an adult or significantly older child or adolescent. Sexually abusive behaviours can include fondling genitals; masturbation; oral sex; vaginal or anal penetration by a penis, finger or any other object; fondling breasts; voyeurism; exhibitionism; and exposing the child to, or involving the child in, pornography.</p> <p>Ill-treatment—disciplining or correcting a child in an unreasonable and seriously inappropriate or improper manner; making excessive and/or degrading demands of a child; hostile use of force towards a child; and/or a pattern of hostile or unreasonable and seriously inappropriate degrading comments or behaviour towards a child.</p> <p>Grooming is intended to manipulate and control a child or young person, their family and other support networks, with the intent of gaining access to the child, and obtaining their compliance and silence to avoid abuse being discovered. It does this by building trust and favouring some children over others to isolate and manipulate them. It can include use of alcohol or gifts or exposing a child or young person to indecent material to procure sex from them.</p>
Child	A person who is under the age of 18 years.
Child exploitation	<p>One or more of the following:</p> <ul style="list-style-type: none"> • committing or coercing another person to commit an act or acts of abuse against a child • possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material • committing or coercing another person to commit an act or acts of grooming or online grooming <p>using a minor for profit, labour, sexual gratification, or some other personal or financial advantage.</p>
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.
Child Safe Standards	Principle-based outcome for child safe strategies.
Mandatory Reporter	People who deliver services, wholly or partly, to children as part of their paid or professional work. This is regulated by the <i>Children and Young Persons (Care and Protection) Act 1998</i> . <i>Mandatory Reporters are required by law to report suspected child abuse and neglect to government authorities</i> . This includes, but is not limited to, professionals working in health care; welfare; education; early education and care services; residential services; and law enforcement.

Term	Definition
Mandatory Reporter Guide	The Mandatory Reporter Guide (MRG) is a decision-making tool to assist Mandatory Reporters to help determine how the suspected risk of significant harm of a child or young person is reported.
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.
Reportable Conduct Scheme	The Reportable Conduct Scheme oversees investigations conducted by relevant organisations when an allegation of reportable conduct is made against an employee. The <i>Children’s Guardian Act 2019</i> includes responsibility for the Reportable Conduct Scheme with oversight by the Office of the Children’s Guardian.
Working with Children	Working with children means being engaged in an activity with a child where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity. Working includes volunteering or other unpaid works.
Working With Children Check (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 five years, or a bar against working with children. https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check
Young Person	A young person can be defined in a variety of ways depending on the context. For the purpose of this Policy a young person is a person who is over the age of 16 years but under the age of 18 years.