

1.28 Child Safety and Protection Policy

POLICY TITLE: CHILD SAFETY AND PROTECTION

FILE REF: SC7

REVIEW DATE: MARCH 2026

1. OBJECTIVES

The objective of this policy is to ensure compliance with child protection legislation, including mandatory reporting and responding to allegations of child abuse by staff and in the community.

This Policy also aims to:

- a) Promote the health, safety, welfare and wellbeing of children and young people in Council activities.
- b) Ensure that Council provides a safe environment for children and young people whilst on Council premises and utilising Council services.
- c) Ensure all workers engaged with Council in a child-related role have a valid Working with Children Check clearance number.
- d) Ensure workers are aware of their obligations in relation to the various child protection legislation and Council's policy.
- e) 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*.
- f) Implement the Ten Child Safe Standards and what they mean to all Council employees, contractors, volunteers and Councillors.

2. POLICY STATEMENT

Lockhart Shire Council acknowledges and reflects the NSW Government's following social justice principles in its integrated planning and reporting process and the development of the Community Strategic Plan and Delivery Program in particular:

- a) Equity – there should be fairness in decision making, and prioritising and allocation of resources, particularly for those in need. Everyone should have a fair opportunity to participate in the future of the community. The planning process should take particular care to involve and protect the interests of people in vulnerable circumstances.
- b) Access – all people should have fair access to services, resources and opportunities to improve their quality of life.
- c) Participation – everyone should have the maximum opportunity to genuinely participate in decisions which affect their lives.
- d) Rights – equal rights should be established and promoted, with opportunities provided for people from diverse linguistic, cultural and religious backgrounds to participate in community life.

Lockhart Shire Council encourages children's participation in the services and activities the Council offers in line with the strategies and actions contained in the Community Strategic Plan and Delivery Program i.e.

"A3: *Support our children and young people.*

- *Support the provision of pre-school, playgroup and childcare services within the community.*
- *Understand and respond to the needs of young people in the Shire through engagement and provision of a Youth Officer.*
- *Provide young residents with greater access to youth services."*

Children's services and activities provided by Council include:

- a) Mobile library services
- b) The Rock OOSH (before and after school care)
- c) Lockhart OOSH (before and after school care)
- d) Sporting and recreational facilities

Ensuring Council has an appropriate child safety and protection policy in place is important in fostering an environment that responds to the views of young people and promotes children's participation in the services and activities provided by Council.

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3. CHILD SAFE STANDARDS

In December 1990 Australia was one of 194 countries that committed to the United Nations Convention on the Rights of the Child. This means that organisations and people working with children in NSW share responsibility for keeping children safe.

Ten Standards were developed and have been legislated to ensure organisations are child safe and underline the premise that child safety is everyone's responsibility. The Standards guide organisations to create cultures, adopt strategies and act to put the interests of children first, to keep them safe from harm and are specifically related to child sexual abuse.

The Ten Child Safe Standards are:

1. Child safety is embedded in organisational leadership, governance and culture (refer sections 2 and 4).
2. Children participate in decisions affecting them and are taken seriously. This would most likely occur in the OOSH setting.
3. Families and communities are informed and involved. This would most likely occur in the OOSH setting.
4. Equity is upheld and diverse needs are taken in to account. (refer sections 2 and 4).
5. People working with children are suitable and supported (refer sections 4, 5 and 10).
6. Processes to respond to complaints of child abuse are child focused (refer section 6).
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training (refer section 5).
8. Physical and online environments minimise the opportunity for abuse to occur (refer section 8).
9. Implementation of the Child Safe Standards is continuously reviewed and improved (refer section 11).
10. Policies and procedures document how the organisation is child safe (refer section 11).

4. RECRUITMENT AND SELECTION

Lockhart Shire Council is committed to ensuring that all workers engaged in child-related work or come in contact with children in the community, are equipped with the knowledge, skills and awareness to keep children safe. Council will undertake a robust recruitment process, including role advertisement, pre-interview screening, reference checks and effective interviewing to assist in the recruitment of suitable workers.

Council has developed an Equal Employment Opportunity (EEO) Management Plan to ensure that all employees receive fair and equitable treatment in the workplace. Council will achieve this by ensuring that workplaces are free from all forms of unlawful discrimination and harassment through the implementation and co-ordination of programs, policies, and procedures.

Council will ensure the recruitment and selection process includes procedures that are in accordance with the *Child Protection Working with Children Act (2012)*, the *Child Protection (Working with Children) Regulation 2013* and the *Children and Young Persons Care and Protection Act 1998*. These procedures include:

- a) Relevant screening processes including Working with Children Checks and Police Checks
- b) Emphasising children's safety throughout recruitment including advertising, screening and reference checks

Induction will include clear explanation of the employee's child safety responsibilities, mandatory reporting obligations and procedures. Employees are provided with relevant documents to supporting induction including:

- a) Policy 1.4 Code of Conduct
- b) Policy 1.5 Privacy Plan and Privacy Code of Practice
- c) Policy 1.28 Child Safety and Protection Policy
- d) Policy 3.3 Bullying and Harassment
- e) Policy 3.6 Work Health and Safety

Breaches of the Code of Conduct and supporting policies may result in disciplinary action in accordance with the *Procedures for the Administration of The Model Code of Conduct for Local Councils* and the Local Government (State) Award.

5. TRAINING AND DEVELOPMENT

Council employees will be provided with training and development opportunities commensurate with their role and level of engagement with children in accordance with an Annual Training Plan and Policy 3.9 Training. This will begin with provision of relevant policies and procedures at induction, and continue through the provision of in-house training sessions, staff meetings as well as formal training that an employee may undertake through external providers.

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6. COMPLAINTS MANAGEMENT

Complaints and allegations concerning the welfare, wellbeing and safety of children against Council workers will be managed in accordance with Council's policies and procedures including:

- a) Policy 3.14 Complaints Management
- b) Policy 3.15 Incident/Accident Investigation

7. 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 Department of Communities and Justice by phoning the helpline on 132111.

Mandatory reporters should use the Mandatory Reporters Guide (<https://reporter.childstory.nsw.gov.au/s/>) to help decide whether a child is suspected to be at risk of significant harm. The Mandatory Reporters Guide covers eight key areas to help you understand if a report should be made and they include:

- a) Physical Abuse
- b) Neglect – Supervision; Environment; Food; Hygiene; Medical Care; Mental Health Care; Education - Not Enrolled
- c) Sexual Abuse – Child; Young Person; Problematic Sexual Behaviour Toward Others
- d) Psychological Harm
- e) Danger to Self or Others
- f) Relinquishing Care
- g) Carer Concern – Substance abuse; Mental Health; Domestic Violence
- h) Unborn Child

Mandatory reporters are defined as 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 not limited to, professionals working in health care; welfare; education; children's services; residential services and law enforcement.

Workers who are not mandatory reporters, as well as members of the community, can also report the suspected risk of significant harm to the Department of Communities & Justice helpline.

As a reporting body Council has obligations to report findings of sexual misconduct and serious physical assault involving children by a child-related worker 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.

To determine whether or not the conduct meets the criteria, Council must consider the nature of the conduct itself and the context in which it occurred.

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

8. RISK MANAGEMENT

Council will ensure that child safety is a part of the overall risk management approach. A risk assessment will be undertaken in facilities that have child related services and Council events.

Steps that must be taken to complete Council's Risk Assessment for child related services are:

- a) An activity will be identified.
- b) Hazards associated with that activity will then be recorded.
- c) A risk score for the hazards identified from the risk score matrix should be determined and recorded.
- d) Determine appropriate risk controls as reasonably practical for hazards identified and recorded.
- e) Finally determine the risk score after controls have been implemented for the hazards in which have been identified.

9. DOCUMENTATION AND RECORD KEEPING

Council's HR/WHS Co-ordinator will maintain records of Working With Children Checks, acknowledgement of the workers' understanding of their child protection responsibilities, inductions and training and development completed. Records will be electronic and be made available if requested for audit and monitoring purposes. All documentation and/or records of a confidential nature relating to allegations against workers will always be kept private and confidential.

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10. SUPPORT AVAILABLE

Council provides an Employee Assistance Program (EAP) which is available to workers who have had allegations made against them and workers who have been involved in the investigative process, including those who have been involved in reporting the matter to the General Manager.

The EAP service is also available to workers and their families who may be experiencing personal difficulties including child abuse and/or allegations. The EAP is a free confidential and independent counselling service.

11. REFERENCE DOCUMENTS

In order to ensure that policies remain relevant a program of ongoing review of policies not later than every three years is maintained by Council in accordance with Policy 1.0 Policy Development and Review.

However individual policies are reviewed and amended in advance of the scheduled review date when circumstances warrant. This may be prompted by factors such as a change in legislation, a change in government policy or as a result of a need identified by the Council, management and staff or internal and external audit activities.

Legislation

Child Protection (Working with Children) Act 2012
Child Protection (Working with Children) Regulations 2013
Children and Young Persons (Care and Protection) Act 1998
Children's Guardian Act 2019
Civil Liability (Amendment (Organisation Child Abuse Liability) Act 2018
Commission for Children and Young People Act 1998
Crimes Act 1900
Local Government Act 1993
National Redress Scheme for Institutional Child Sexual Abuse Act 2018
NSW Child Safe Standards
NSW Children (Education and Care Services National Law Application) Act 2010

Policies

Policy 1.4 Code of Conduct
Policy 1.5 Privacy Plan and Privacy Code of Practice
Policy 1.28 Child Safety and Protection Policy
Policy 3.3 Bullying and Harassment
Policy 3.6 Work Health and Safety
Policy 3.10 Equal Employment Opportunity
Policy 3.14 Complaints Management
Policy 3.15 Incident/Accident Investigation
Out Of School Hours Care Service – Policies and Procedures & Guidelines

Local Government (State) Award
New Employee Handbook
Annual Training Plan

Resources available

<https://ocg.nsw.gov.au/>

<https://ocg.nsw.gov.au/our-resources>

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Refer minute no. 41/23*