

14 REPORT OF THE CHIEF OPERATING OFFICER

14.1 Endorse for public exhibition: Draft Child Safe Policy and Behavioural Standards for Keeping Children Safe

CSP Objective: Outcome 5.2: Governance is transparent and builds trust

CSP Strategy: 5.2.1 Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice.

Delivery Program: 5.2.1.2 Support good governance through systems and processes for legislative compliance.

Item 14.1

Summary

The Draft Child Safe Policy and Behavioural Standards for Keeping Children Safe have been developed to support Council's implementation of the Child Safe Standards.

Adoption of the Policy and Behavioural Standards will clearly outline expected behaviours of employees and other workers and contribute towards ensuring our workplaces and premises are Child Safe.

Financial implication

The Draft Child Safe Policy and Behavioural Standards for Keeping Children Safe are administrative documents and do not impact Council's budget

Risk implication

Adoption of the Draft Child Safe Policy and Behavioural Standards for Keeping Children Safe documents addresses the following risks:

- Clearly defined expectations relating to interactions with children, minimising risk of harm to children and young people in our workplaces and facilities.
- Compliance with the requirements of the Office of Children's guardian and Reportable conduct Scheme
- Assists with mitigation of liability exposure in the event of claims brought against council.

Policy

Draft Child Safe Policy

Consultation (internal)

- Management Leadership team
- Executive Leadership Team

Communication/Community engagement

- Child facing Council facility groups
- Kiama Local Government Area school network
- Kiama Local Government Area community

Report of the Chief Operating Officer

14.1 Endorse for public exhibition: Draft Child Safe Policy and Behavioural Standards for Keeping Children Safe (cont)

It is proposed that the Draft Child Safe Policy and Behavioural Standards for Keeping Children Safe be placed on public exhibition for a period of 28 days to allow the community to provide feedback.

Attachments

- 1 DRAFT Child Safe Policy [↓](#)
- 2 DRAFT Behavioural Standard for Keeping Children Safe [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council:

1. proceed to public exhibition of the Draft Child Safe Policy and the Behavioural Standards for Keeping Children Safe for a period of 28 days.
2. note if submissions are received during the exhibition period a further report will be provided on any proposed amendments to the Draft Child Safe Policy and Behavioural Standards for Keeping Children Safe
3. adopt the Draft Child Safe Policy and the Behavioural Standards for Keeping Children Safe if no submissions are received on the day after the completion of the public exhibition period.

Background

The Office of the Children's Guardian introduced new Child Safe Standards in response to the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse. The Standards complement the National Principles for Child Safe Organisations and mandate a range of measures for organisations to follow to ensure the safety of children and young people and their participation in decisions that may affect them.

The Draft Child Safe Policy and Behavioural Standards for Keeping Children Safe are attached for Councillors' consideration.



Child Safe Policy

| | |
|-----------------------------------|---------------------------------------|
| Policy Owner/Responsible Officer | Manager People and Performance |
| Department | Office of the Chief Operating Officer |
| Date adopted/endorsed | D Month Year |
| Resolution number (if applicable) | XX |
| Next review date | D Month Year |
| TRIM reference | XX |

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Policy Statement/Objectives

In accordance with the Children’s Guardian Act 2019 (the Act), councils are required to adopt a Child Safe Policy (Policy) to demonstrate commitment to children’s safety. Council is also required to ensure that children and young people are consulted and engaged appropriately in accordance with the Behavioural Standards for Keeping Children Safe (the Standards).

Kiama Municipal Council (Council) is committed to supporting the rights of children and young people and is committed to their care, protection and contribution to our community. Council acknowledges that in NSW, the safety of children and young people is a responsibility shared by parents/guardians and families with the support of the community and government and non-government organisations.

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Council has established a Child Safe Working Group, chaired by the Chief Operating Officer to develop, monitor and review Council's Child Safe initiatives.

The objectives of this Policy are to:

- enable Council to become a Child Safe Organisation
- guide Council in implementing best practice approaches to child protection
- ensure a safe environment for children and young people in accessing Council's services and facilities
- ensure children and young people are engaged and able to make meaningful contributions in matters that relate to them, within the Kiama community.
- further the health, safety, welfare and wellbeing of children and young people within our community
- clearly identify Council's obligations relating to children and young people and ensure its employees and other workers are aware of those obligations
- ensure Council meets its obligations relating to the Child Safe Standards including mandatory reporting, recruitment and selection and responding to allegations against employees and other workers involving children and young people.
- guide Council to ensure compliance with recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (2017) that affect local government and
- ensure Council complies with the Children's Guardian Act (2019).

Scope

This policy applies to every Council 'employee and other worker' as defined within this policy.

Each of Council's employees and other workers is responsible for following Council's Behavioural Standards for Keeping Children Safe which are based on the Standards developed by the Office of the Children's Guardian (OCG).

Each is to ensure they are aware of their responsibilities relating to prevention of harm and responding to suspected risk of significant harm to a child or young person in accordance with the requirements of the Children and Young Persons (Care and Protection) Act 1998 (the Act).

References

- Advocate for Children and Young People Act 2014
- Child Protection (Working with Children) Act 2012
- Child Protection (Offenders Prohibition Orders) Act 2004
- 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
- Commission for Children and Young People Act 1998
- Community Welfare Act 1987

- Children’s Guardian Act 2019
- Civil Liability Amendment (Organisational Child Abuse Liability) Act 2018
- Crimes Act 1900
- Education & Care Services National Law Act 2010
- Education & Care Services National Regulations 2011
- Local Government Act 1993
- Mandatory Reporter Guide (MRG) 2010
- Modern Slavery Act 2018
- National Framework for Protecting Australia’s Children 2009–2020
- Office of the Children’s Guardian’s Principles for Child Safe Organisations (2017)
- Office of Childrens Guardian – Guide to the Child Safe Standards
- Ombudsman Act 1974
- Privacy and Personal Information Protection Act 1998
- Royal Commission into Institutional Responses to Child Sexual Abuse (2017)
- State Records Act 1998
- The United Nations Convention on the Rights of the Child (1990)
- 21/7307 Responding to risk of significant harm – SENTRAL.
- 20/131215 Code of Conduct for Council Staff, Contractors and Volunteers
- 20/131219 Code of Conduct for Councillors
- 19/131210 Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers
- 14/57514 Privacy Management Policy

Consultations

- ELT
- MLT
- Child facing council facility groups.
- Kiama LGA School network
- Council
- Kiama LGA Community

Definitions

| Term | Definition |
|-------|--|
| Abuse | Actions that result in harm, potential harm or maltreatment of children and young people including but not limited to; physical harm, sexual assault, exposure to domestic violence, neglect, psychological harm and prenatal risks. |

| | |
|---------------------------------|---|
| Child | A person who under the age of 16. |
| Child-related work | Work that involves direct contact between a worker and a child or young person that is more than incidental to the work. Access to confidential records or information about children or young people is also considered to be child-related work. |
| Child Safe organisation | An organisation in which Child Safety is embedded in planning, policy and practices and the voices of children and young people are valued and actively supported in decision making. |
| Council Officials | As defined by Council's Code of Conduct, includes councillors, employees, administrators, council committee members, delegates of council and council advisors. |
| Delegates of Council | As defined by Council's Code of Conduct includes a person (other than Council Official) or body, and the individual members of that body, to whom a function of the council is delegated. |
| Employees and other workers | The term used in this Policy to include anyone doing any form of work, paid or unpaid, for or on behalf of Council; including but not limited to: <ul style="list-style-type: none"> • Council Officials • Delegates of Council • independent contractors/subcontractors to Council (and their employees) • suppliers delivering products to Council premises. • employees of labour hire companies working with Council • outworkers, such as a home-based worker, working with Council. • apprentices, trainees or cadets placed with or working for Council. • work experience participants placed with Council. • volunteers to any of Council's services. |
| FaCS | Family and Community Services, the NSW Government agency responsible for the care and protection of children and young people. |
| Mandatory Reporters | Are defined by the Act as people who deliver services, wholly or partly, to children; including but not limited to, professionals working in healthcare; welfare; education; children's services; residential services and law enforcement. |
| Mandatory Reporting Guide (MRG) | The Guide is a decision-making tool to help Mandatory Reporters determine if, how and when the suspected risk of significant harm of a child or young person is to be reported. |
| Neglect | Occurs when a parent or caregiver does not regularly provide a child or young person with the basic requirements for their growth and development. This may include food, clothing, shelter, medical and dental care, adequate supervision and/or care. |

| | |
|--|---|
| Reportable Conduct | Section 20 of the Act defines Reportable Conduct as, regardless of whether criminal proceedings are underway: (a) A sexual offence committed against, with or in the presence of a child or young person, (b) Sexual misconduct with, towards or in the presence of a child or young person, (c) Ill-treatment of a child or young person (d) Neglect of a child or young person, (e) An assault against a child or young person, (f) An offence under section 43B or 316A of the Crimes Act 1900, (g) Behaviour that causes significant emotional or psychological harm to a child or young person. |
| 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. The risk is not minor or trivial and it may be reasonably expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or wellbeing. This can result from a single act or omission or an accumulation. Risk of significant harm is the threshold in NSW to report child protection concerns to FaCS via the Child Protection Helpline. |
| Royal Commission | The Royal Commission into Institutional Responses to Child Sexual Abuse (2017). |
| UN Convention on the Rights of the Child | A human rights treaty, of which Australia is a signatory, ratified in 1989 by the UN General Assembly. The Convention espouses commitment to keeping children everywhere safe, happy and healthy. |
| WWCC | The Working with Children Check 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 |
| Young Person | In this Policy a young person is over 16 but under 18 years of age. |

Variation and review

Council reserves the right to review, vary or revoke this policy.

Review History - add rows as required.

| Date reviewed | Date adopted/endorsed | Brief detail of amendments |
|---------------|-----------------------|----------------------------|
| | | New Policy |

POLICY

Council's aim is for children and young people to have safe and happy experiences while accessing Council services and facilities. Safeguarding children is everyone's business. This Policy reflects Council's commitment to the National Principles for Child-Safe Organisations and NSW Child Safe Standards.

All employees and other workers must uphold and promote safety and wellbeing for children and young people and respond appropriately where concerns are identified.

Council is committed to the ongoing education of children and young people, employees and other workers and the wider community about their rights, responsibilities and reporting processes relating to child protection and opportunities for children and young people to actively participate in making decisions about matters that affect them.

1. Child Safe Standards

Council is committed to keeping children safe by ensuring that:

1. Child safety is embedded in institutional 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 sexual 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.
9. Implementation of the Child Safe Standards is continuously reviewed and improved.
10. We have appropriate policies and procedures to document how Council is Child Safe.

2. Children's Participation

Council encourages active participation of children in the programs, activities and services it offers through mechanisms including

- Library Services
- Sentral Youth Services
- Kiama Leisure Centre
- Community facilities and open spaces
- Cultural Art Centres
- Community events and programs

In addition to existing avenues for participation and engagement, Council will explore opportunities to broaden this scope through the Illawarra Child and Family Interagency, committees and community events, to encourage children to participate in matters that affect their lives.

3. Recruitment and Selection

Council will maintain a rigorous and consistent recruitment, screening and selection process for employees and other workers.

To maintain a Child Safe Organisation, Council is committed to building the capability of employees through support, induction, onboarding, professional development and supervision.

Managers will ensure that employees and other workers in contact with children have a current and valid Working with Children Check (WWCC). The WWCC is an essential part of Council's recruitment process to prevent risk to the safety of children.

Council's Human Resources team will ensure recruitment and selection complies with the requirements of the Child Protection (Working with Children) Act 2012 (NSW) and the Child Protection (Working with Children) Regulation 2013 (NSW).

4. Complaints Management and Reporting

Council will take all allegations seriously, respond appropriately and report concerns to relevant authorities. All complaints against employees and other workers will be managed in accordance with Council's policies, relevant legislation and, where applicable, Award requirements.

5. Mandatory Reporting Risk of Significant Harm

Where there is concern that a child or young person may be at risk of significant harm, Mandatory Reporters must report to the Department of Communities and Justice's (DCJ) Child Protection Helpline.

The requirements and process for Mandatory Reporting are outlined in the Children and Young Persons Care and Protection Act 1998.

The Mandatory Reporter Guide (MRG) can be used to help determine what should be reported and when.

Mandatory Reporting roles within Council's structure are:

- head of agency
- executive
- social workers, caseworkers and youth workers.
- childcare workers

People who are not Mandatory Reporters can also report suspected risk of significant harm.

Reports are made to the DCJ Child Protection Helpline by phoning 132 111 or online at reporter.childstory.nsw.gov.au.

6. Allegations Against Employees and Other Workers

In addition to Mandatory Reporting, allegations against employees and other workers must be reported to the Governance Coordinator. Council will manage such complaints or allegations in accordance with Part 3A of the Ombudsman Act 1974 (NSW).

Allegations that relate to children and young people are regarded as extremely serious and will be thoroughly investigated in consultation with Council's Governance Coordinator.

Council will take all allegations seriously and report concerns to the relevant authorities and in accordance with the relevant legislation.

7. Allegations About Improper Behaviour in Council's Services and Facilities

All allegations involving a person under the age of 18 years should be immediately reported to the Governance Coordinator who will determine appropriate investigation and reporting.

8. Employee Support and Development

Council will provide necessary resources and build the capability of employees through professional development, supervision and support to promote and maintain a child safe organisation.

Employees will complete induction and ongoing training about managing risks and creating a safe environment to ensure the safety, suitability and security of physical and online environments for children in Council's services, facilities and programs.

Employees and other workers will be equipped with the knowledge, skills and awareness required to keep children safe.

New employees and other workers will be required to participate in appropriate induction and onboarding processes and procedures.

Managers will ensure all employees complete relevant training in accordance with Council's requirements.

9. Breach of Policy

A breach of this Policy will be managed in accordance with relevant legislation; industrial instruments and Council policies including Code of Conduct and related procedures.

Related Forms/Documents

- Child Safe Allegation Record Form
- Child Safe Allegation Reporting Procedure
- Behavioural Standards for Keeping Children Safe
- Complaints Handling Policy

Authorisation

Name: Title of person authorising OR ELT OR Council Resolution No: ****

Date: Date endorsed by ELT or adopted by Council



Behavioural Standards for Keeping Children Safe

| | |
|--|---------------------------------------|
| Responsible Officer | Manager People and Performance |
| Department | Office of the Chief Operating Officer |
| 2533Satchmo\$\$\$25Date adopted/endorsed | Pending |
| Resolution number (if applicable) | Pending |
| Next review date | Pending |
| TRIM reference | XX |

Purpose

Kiama Municipal Council is committed to supporting the rights of children and young people and is committed to their care, protection, and contribution to our community.

The overarching purpose of the Behavioural Standards for Keeping Children Safe (The Standards) is to:

- establish a common understanding of the behaviour expected of all workers toward children and young people.
- provide guidance to Kiama Municipal Council (Council) employees and other workers about required behaviours when working or engaging with children.
- embed behaviours and practices that reflect Council's commitment to creating Child Safe environments.
- create a safe and healthy workplace where all reasonable steps are taken to minimise the risk of false or exaggerated concerns or allegations.

Scope

These standards apply to all employees and other workers of Kiama Municipal Council including:

- elected members of Council;
- executive management;
- employees;
- volunteers;
- contractors and sub-contractors;
- apprentices, trainees, work experience students; and
- anyone who performs work for, or on behalf of Council, regardless of whether or not they are paid.

Council acknowledges that not all employees work directly with children and young people. These Standards apply to occasions when staff interact with, or are in the presence of, children and young people, either in person or online.

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For the purposes of these Standards the terms “child,” “children,” “young persons” and “young people” apply to anyone under the age of 18.

These Standards should be read in conjunction with Council's Child Safe Policy.

The aims of the Behavioural Standards for Keeping Children Safe are to:

- define expected behavioural standards and to establish clear expectations for appropriate behaviour with children for keeping them and staff safe;
- create a safe and healthy workplace where all reasonable steps are taken to minimise the risk of false or exaggerated allegations;
- determine acceptable and unacceptable behaviours;
- guide decision making and encourage reflection on behaviours and their potential impact on children and young people.
- provide clear guidelines and professional boundaries, ethical behaviour and appropriate and inappropriate relationships;
- promote appropriate accountability, throughout Council for keeping children safe and free from harm.

Child Safe Officers

Council will designate certain roles as Child Safe Officers to:

- provide support and advice within their work area to enable complaints/allegations to be lodged and investigated appropriately and in a timely fashion
- represent their work area in the development and implementation of Child Safe initiatives within the organisation.

Where relevant, employees and other workers are required to:

- act in accordance with Council's Child Safe Policy and these Standards at all times;
- treat all children with respect and dignity;
- promote the rights, safety, and wellbeing of all children;
- involve children and young people meaningfully in decisions about policies, activities and processes that concern them;
- respond to any concerns or complaints of child harm or abuse promptly and in line with Council's policies and procedures;
- comply with the Children's Guardian's Act 2019, and Council's policies and procedures on record keeping and information sharing;
- use positive and affirming language with and about children;
- promote participation, safety, and empowerment of all children;
- report any breaches of the Child Safe Policy and Behavioural Standards;

- report all instances of suspicious behaviour where they have reasonable belief that abuse may have occurred. Noting that (reports of suspicious behaviour can be lodged without evidence provided reasonable belief exists;
- actively promote each child's voice and participation and encourage others to do the same;
- treat children with respect, regardless of their race, colour, sex, language, religion, political or other opinion, national, ethnic, or social origin, , disability, birth, or other status;
- be a positive role model and mentor for children;
- maintain privacy and confidentiality of all information regarding children;
- ensure that at least one other adult is present when they are working in the proximity of children;
- immediately report concerns or allegations of child abuse and exploitation to the Governance Coordinator and in accordance with Council's Child Safe Policy and Behavioural Standards and relevant legislative requirements including mandatory reporters.
- immediately disclose all charges, convictions, and outcomes of offences relating to children and young people that occurred during their engagement with Council;
- disclose during the recruitment and selection process any charges, convictions and outcomes of offences relating to children that occurred prior to their engagement with Council
- obtain written consent from the child's parents/guardians' before photographing or filming a child;
- assess and endeavour to comply with local traditions or restrictions for creating or reproducing personal images before photographing or filming a child;
- ensure images present children in a dignified and respectful manner;
- ensure, at all times, file labels, meta data or text descriptions do not identify or lead to the identification of a child;
- comply with "Council: Use and Storage of Children's Images Guidelines;" and
- seek advice from Council's Child Safety Officer/s before engaging with children to discuss any planned activities or programs and to seek feedback regarding planned child safety measures.

Employees and other workers must not:

- engage in any activities that are potentially harmful to children, including those that might lead to sexual, physical, emotional and/or psychological harm to children;
- use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- share inappropriate images, videos or links with children;
- show favour towards any child and should treat all children equally and fairly;
- touch or show affection, such as hugging children; and
- act in any way that could be construed as 'grooming' including sharing personal information, providing gifts or money, sharing secrets, favouritism, or any special treatment.

Employees and other workers must:

- immediately report to a manager any matter that may compromise their ability to safely or legally work with children;
- report concerns about the behaviour of others in accordance with relevant legislation and related policies and procedures of Council; and
- recognise the potential risk of harm to a child or young person and take all reasonable steps to respond in accordance with relevant legislation and policies and procedures of Council, where appropriate also connecting them with relevant support services.

CONSULTATION

The Behavioural Standards for Keeping Children Safe is developed by and, in consultation with the Child Safe Working Group comprised of the following representatives:

- Chief Executive Officer
- Chief Operating Officer
- Manager Community Hubs
- Manager People and Performance
- Manager Library and Cultural Hubs
- Leisure Centre Manager
- Organisational Development Lead
- Human Resources Coordinator
- Risk Management Coordinator
- Governance Coordinator
- Communication and Engagement Coordinator

Additional consultation was available to the community via councils website, Administration Centre, Leisure Centre, Libraries and SENTRAL

REFERENCES

- The Royal Commission into Institutional Responses to Child Sexual Abuse (2017)
- Children’s Guardian Act 2019
- Child Safe Standards, The NSW Office of the Children’s Guardian
- The National Principles for Child Safe Organisations

Variation and review

Council reserves the right to review, vary or revoke these standards.

Review History -

| Date reviewed | Date adopted/endorsed | Brief detail of amendments |
|---------------|-----------------------|----------------------------|
| | | |
| | | |

Related Forms/Documents

- Kiama Municipal Council Child Safe Policy (Draft)
- Kiama Municipal Council Complaints Policy (Draft)
- Kiama Municipal Council Complaints and Allegations Record Form

Authorisation

Name: Title of person authorising OR ELT OR Council Resolution No: ****

Date: Date endorsed by ELT or adopted by Council

Statement of Commitment by Employees and Other Workers

- In my role with Kiama Council, I will act to safeguard the best interests of children as set out in the Policy and Standards;
- take actions promptly to ensure that children are safe;
- report any concerns immediately to my manager, Council's Governance Coordinator, the Chief Executive Officer or another member of the Leadership Team manager or people leader in Council;
- follow Council's policies and procedures for receiving and responding to complaints and concerns; and
- comply with legislative requirements for reporting, where relevant, and within Council's Policy on internal and external reporting

I have read and understood Council's Child Safe Policy and the Behavioural Standards for Keeping Children Safe and I agree to abide by both documents during my engagement with Kiama Municipal Council. I understand that breaches of Council's Child Safe Policy and Behavioural Standard for Keeping Children Safe may lead to disciplinary action or termination of my role with Council, legal action, and or criminal investigation and prosecution.

Signature
Full Name
Date