

# CHILD SAFE ORGANISATION POLICY

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PREPARED BY:

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SUTHERLANDSHIRE

## 1. PURPOSE

Sutherland Shire Council is committed to ensuring children and young people have safe and happy experiences in our community while accessing Council; facilities, engaging in programs and when in our care. We acknowledge our responsibility to protect children from child abuse in our community, and to have a procedurally fair process for dealing with allegations of child abuse to protect employees and others. Council is dedicated to creating an environment where children's safety and wellbeing is at the centre of thought, values and actions and we create conditions that reduce the likelihood of harm to children and young people and respond to any concerns, disclosures, allegations or suspicions of harm respectfully and appropriately.

The purpose of the Policy is to provide a transparent framework that supports our commitment to keeping children safe through awareness, prevention, identification and reporting of child abuse.

## 2. APPLICATION

The Policy applies to Council employees, contractors, sub-contractors, suppliers, volunteers, work experience participants, and Councillors (elected members). The Policy is particularly relevant to employees in positions with direct contact with children and young people, including but not limited to:

- Early Childhood Services
- Library Services
- Recreation and Leisure Centres
- Youth Centres and Committees
- Art Galleries
- Parks and Gardens
- Playgrounds
- Entertainment Centres
- Sporting Clubs and Venues
- Community services and programs where engagement with children and young people occurs.

## 3. PRINCIPLES

### 3.1 Application of Principles

No one principle should be applied to the detriment of another. Principles must be collectively considered and applied to the extent that is reasonable and practicable in the circumstances.

The Policy reflects Council's commitment to the principles for Child-Safe Organisations and the Child Safe Standards recommended by the Royal Commission (2017).

## **3.2 Key Principles underpinning this policy are:**

- a) Zero tolerance of child abuse. Council does not tolerate any form of child abuse, nor does it tolerate possession or access to any material that is detrimental towards children or young people's well-being and safety;
- b) Council will not knowingly engage anyone who poses a direct risk to children and young people;
- c) Council will take all actions and make decisions based on the best interest of the child or young person;
- d) Council will apply the 10 child safe standards;
- e) Report all concerns relating to possible child abuse, reportable conduct and reportable allegations; and
- f) Sharing responsibility of child protection; when engaging with other entities that do not have a child protection policy, Council will ensure that the entity agree to adopt Council's Policy for the duration of the project.

## **4. RESPONSIBILITIES**

### **4.1 Responsible Officer**

The Manager Children's Services is the Responsible Officer for this policy and is responsible for the management of the implementation of the Policy and for keeping the Policy current.

### **4.2 Chief Executive Officer**

The Chief Executive Officer is responsible for ensuring a child safe organisation and that Council employees, officers and elected members adhere to the requirements of this Policy.

### **4.3 Directors**

Directors are responsible for ensuring their Directorates adhere to the requirements of this Policy within their directorate and the organisation.

### **4.4 Employees**

Employees are responsible for following the requirements of this Policy and procedures.

## 5. REQUIREMENTS

### 5.1 Child Safe Organisation

Council advocates and promotes the safety and wellbeing of children and young people in our community. This involves implementing robust approaches to child safety by having child safe systems, policies and processes based on the Child Safe Scheme. The Scheme, with its 10 Child Safe Standards, is a result of the Final Report Recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (2017). Council also supports the NSW Office of Local Government Child Safe Action Plan (to be released in 2023). Council's Child Protection Team collaborates on the identification, implementation and creation of policies, procedures and actions that enable Council to meet its obligations as a Child Safe Organisation.

The 10 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 (or other concerns) 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 or other kinds of harm to occur.
9. Implementation of the Child Safe Standards is continuously reviewed and improved.
10. Policies and procedures document how the organisation is child safe.

### 5.2 Mandatory Reporting

Where there are concerns that a child or young person is suspected to be at risk of significant harm, employees who are "mandatory reporters" are required to report these concerns to the NSW Department of Communities and Justice (DCJ) Child Protection Hotline. The Mandatory Report Guide (MRG) is used to help determine when and what should be reported. The Child Protection Helpline receives reports via either telephone or via e-Reporting.

Employees who are not mandatory reporters, as well as members of the community, can also report the suspected risk of significant harm to the Child Protection Helpline. Mandatory reporting requirements are outlined in the Children and Young Persons (Care and Protection) Act 1998 (NSW).

### 5.3 Recruitment and Selection

Council will meet legal requirements to ensure that only people with valid Working with Children Checks (WWCC) are engaged in child-related work. The WWCC is an essential part of Council's recruitment process to prevent people who pose a risk to the safety of a child or young person from being employed or

engaged in child-related work. This is in line with the Child Protection (Working with Children) Act 2012 (NSW).

## **5.4 Allegations against employees**

Complaints and allegations against employees, elected members, contractors, subcontractors, work experience participants, volunteers, students on placement, Family Day Care Educators (and adults who reside in their home), facilities hirers and lessees involving a child or young person will be handled in accordance with the relevant legislation, specifically the Office of the Children's Guardian Act 2019 (NSW). This mandates a specific approach to the handling and reporting of complaints about employees involving a child or young person. All allegations in relation to employees involving an individual under the age of 18 years will be immediately reported by the relevant Manager to the Manager People & Culture and Chief Executive Officer.

The CEO, or delegated officer, will report allegations to the Office of the Children's Guardian in accordance with Council's reporting obligations.

When the organisation becomes aware of a reportable allegation or reportable conviction, notification must be made to the Office of the Children's Guardian within seven (7) business days and an investigation conducted into the allegations.

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

Complaints made about elected members and employees will also fall within the Codes of Conduct and its reporting obligations.

## **6. POLICY COMPLIANCE**

Every two (2) years unless otherwise directed by the Chief Executive Officer.

## **7. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY**

Council adheres to and complies with the NSW State Records Act 1998 and Privacy and Personal Information Protection Act 1998 through its Access to Information Policy and Privacy Management Plan.

## **8. BREACHES OF POLICY**

Breaches of this Policy by employees will be dealt with in accordance with disciplinary procedures and will be advised to the Chief Executive Officer and / or Director, via the Manager People & Culture where appropriate.

## 9. RELATED DOCUMENTS

- Code of Conduct
- Child Safe Standards
- Reportable Conduct Scheme

## 10. RELEVANT LEGISLATION AND REGULATIONS

- *Local Government Act 1993 (NSW)*
- *State Records Act 1998 (NSW)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW)*
- *Childrens Guardian Act (2019)*
- *Child Protection (Working with Children) Act 2012 (NSW)*
- *Children and Young Persons (Care and Protection) Act 1998 (NSW)*
- *Education Act 1990*
- *Education and Care Services National Law Act 2010 (NSW)*
- *Education and Care Services National Regulations 2012 (NSW)*
- *SSC Child Safe Organisation Policy and procedures*
- *SSC Counselling and Disciplinary Determination*
- *SSC Acquiring Talent Determination*

## 11. DEFINITION OF TERMS

Term	Meaning
<b>Abuse</b>	a term used to refer to different types of maltreatment. In this document it refers to types of maltreatment that children and young people experience, including physical abuse, neglect, sexual abuse, psychological harm including exposure to domestic violence and danger to self or others
<b>Child</b>	means every human being under the age of 16 years
<b>Child Safe Scheme</b>	means the framework of 10 child safe standards identified by the Royal Commission into Institutional Responses to Child Sexual Abuse (2017)
<b>Child Safe Action Plans</b>	means strategic plans that clearly detail how some NSW government agencies are influencing change across their relevant sector
<b>Council</b>	means Sutherland Shire Council
<b>Employee</b>	means a person employed at Council

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<b>DCJ</b>	means NSW Department of Communities and Justice
<b>Mandatory Reporters</b>	means a person who delivers services, wholly or partly, to children as part of their paid professional work as per the <i>Children and Young Persons (Care and Protection) Act 1998(NSW)</i>
<b>MRG</b>	<b>Mandatory Reporter Guide</b> means the online decision-making tool to assist Mandatory Reporters determine what and when to report the suspected Risk of Significant Harm of a child or young person
<b>NSW OCG</b>	means <b>NSW Office of the Childrens Guardian</b> – the statutory NSW government agency that oversees organisations providing services to children.
<b>NSW OLG</b>	means <b>NSW Office of Local Government</b>
<b>Reportable Conduct Scheme</b>	means the scheme where relevant entities investigate and report on types of conduct made against certain workers / employees
<b>SSC</b>	means Sutherland Shire Council
<b>Young Person</b>	means every human being between the ages of 16 and 18 years
<b>WWCC</b>	means Working with Children Check

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