

Child Protection POLICY

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PREPARED BY:

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SUTHERLAND SHIRE

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, volunteers, suppliers, 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 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 (2017) and the Child Safe Standards identified 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 abusive towards children or young people;
- 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) 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;
- e) Council will apply child safe principles; and
- f) Report all concerns relating to possible child abuse and neglect.

4. RESPONSIBILITIES

4.1 Responsible Officer

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

4.2 Chief Executive Officer

The Chief Executive Officer is responsible for ensuring a child safe workplace and that Council employees and 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 across the organisation.

4.4 Employees

Employees are responsible for following the requirements of this policy.

5. REQUIREMENTS

5.1 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 Family and Community Services (FaCS) Child Protection Hotline. The Mandatory Report Guide (MRG) is used to help determine when and what should be reported. The FaCS Child Protection Helpline receives reports via either telephone or via eReporting.

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

5.2 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)* and the *Child Protection (Working with Children) Regulations 2013 (NSW)*.

5.3 Allegations against employees

Complaints and allegations against employees, elected members, contractors and subcontractors, work experience participants, volunteers, students on placement, Family Day Care Educators and adults who reside in their home, facilities hirers and leases involving a child or young person will be handled in accordance with the relevant legislation, specifically the *Ombudsman Act 1974 (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 will report allegations to the relevant oversight agency in accordance with Council's reporting obligations.

When the Chief Executive Officer becomes aware of a reportable allegation or reportable conviction, the CEO must notify the Office of the Children's Guardian within seven (7) business days and conduct an investigation into the allegations.

If the final report is not ready to submit within 30 calendar days, the CEO 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.

5.4 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 protection. Council follows the Royal Commission Final Report Recommendations (2017) relevant to Local Government including the Child Safe Standards. Council also supports the Office of the Guardian's Principles of Child Safe Organisations. 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.

6. MONITORING

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.

Breaches of this policy by elected members will be dealt with in accordance with the complaints handling procedures under the Code of Conduct and will be advised to the Chief Executive Officer via the Complaints Coordinator

9. RELATED DOCUMENTS

- Code of Conduct
- Child Protection Guidelines
- Counselling and Disciplinary Determination
- Acquiring Talent Determination

10. RELEVANT LEGISLATION, REGULATIONS AND GUIDELINES

- *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).*
- *Advocate for Children and Young People Act 2014 (NSW)*
- *Child Protection (Offenders Prohibition Orders) 2004 (NSW)*
- *Child Protection (Offenders Registration) Act 2000 (NSW)*
- *Child Protection (Working with Children) Act 2012 (NSW)*
- *Child Protection (Working with Children) Regulation 2013 (NSW)*
- *Children and Young Persons (Care and Protection) Act 1998 (NSW)*
- *Commission for Children and Young Persons Act 1998 (NSW)*
- *Crimes Act 1900 (NSW)*
- *Crimes (Domestic and Personal Violence) Act 2007 (NSW)*
- *Education and Care Services National Law Act 2010 (NSW)*
- *Education and Care Services National Regulations 2012 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW)*
- *Ombudsman Act 1974 (NSW)*

- *Young Offenders Act 1997 (NSW)*
- *National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (NSW)*

11. DEFINITION OF TERMS

Term	Definition
Abuse	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 harm, sexual assault, exposure to domestic violence, psychological harm and neglect
Child	means every human being under the age of 16 years
Child Safe Principles	means the Child Safe Standards identified by the Royal Commission (2017)
Council	means Sutherland Shire Council
Employee	means a person employed at Council
FaCS	means the Family and Community Services, FaCS is the NSW Government agency responsible for the care and protection of children and young people
Mandatory Reporters	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>
MGR	means the 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
Young Person	means every human being between the ages of 16 and 18 years
WWCC	means Working with Children Check

End of Document

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