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| POLICY NO. | CPHR1 |
| POLICY TITLE | Child Protection Policy |
| STATUS | Council |
| SERVICE | Human Resources |
| DOCUMENT ID | 351259 |

INTRODUCTION

Hunter's Hill Council supports the rights of children and young people and is committed to creating and maintaining a child safe organisation where protecting children and preventing and responding to child abuse is embedded into everyday thinking and practice of all Councillors, employees, contractors and volunteers.

Council believes that the safety and wellbeing of children and young people is everybody's business. In NSW, the safety of children and young people is the shared responsibility of parents and families, supported by the community, government, and non-government organisations. Council staff, volunteers, partners, and contractors share a commitment to the awareness, prevention and response to the suspected risk of significant harm of a child or young person. This is in adherence to the Children and Young Persons (Care and Protection) Act 1998.

Council maintains a rigorous and consistent recruitment, screening and selection process. Council takes allegations against staff involving children and young people seriously and supports the fair and thorough investigation led by the Internal Ombudsman Shared Service. Council adopts the Office of the Children's Guardian's Principles for Child-Safe Organisations (2017) and the Royal Commission Final Report Recommendations (2017) relevant to Local Government including the Child Safe Standards.

PURPOSE

The purpose of this Policy is to:

- Ensure Council is compliant with NSW child protection legislation, including; mandatory reporting, recruitment and selection and responding to allegations against staff involving children and young people.
- Articulate the professional and legal obligations of Council staff in relation to child protection.
- Ensure Council implements procedures for the prompt and confidential response to all allegations against Council staff, volunteers, and persons undertaking work experience and contractors/suppliers where a child or young person is involved.

- Promote the health, safety, welfare and wellbeing of children and young people.
- Ensure that Council provides a safe environment for children and young people whilst on Council premises and utilising Council services.
- Ensure that Council is implementing best practice approaches to child protection, and in this regard is responding to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (2017) that affect Local Government.

SCOPE

The Policy applies to:

- All Council staff, Councillors (Elected Members), contractors and subcontractors, work experience participants, volunteers, Family Day Care Educators and the adults that live in their home, facility hirers.

DEFINITIONS

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| Abuse | A term used to refer to different types of harm or maltreatment. In this document it refers to types of harm or maltreatment that children and young people experience, including; physical harm, sexual assault, exposure to domestic violence, psychological harm and prenatal risks |
| Child | Any person under the age of 18 years. |
| Child-Related Work | Paid or unpaid work that involves face to face contact with children |
| Child-Safe Organisations | 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 |
| Employee | Any person with an employment contract with Council and works full time, part time, a casual or term contract basis. |
| Mandatory Reporters: | 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 is not limited to, professionals working in: health care; welfare; education; children's services; residential services; and, law enforcement. |
| Office of the Children's Guardian | An independent government agency that administers the Working with Children Check. |
| Reasonable Grounds | Refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm, based on: <ul style="list-style-type: none"> • First hand observations of the child, young person or family • What the child, young person, parent or another person has disclosed • What can reasonably be inferred based on professional training and/or experience <p>It does not mean that reporters are required to confirm their suspicions or have clear proof before making a report.</p> |

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| Reportable Allegation (Ombudsman Act 1974) | Means an allegation of reportable conduct against a person or an allegation of misconduct that may involve reportable conduct. |
| Reportable Conduct (Ombudsman Act 1974) | Means: <ul style="list-style-type: none"> a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material), or b) any assault, ill-treatment or neglect of a child, or c) any behaviour that causes psychological harm to a child, Whether or not it is with the consent of the child. |
| Reportable Conviction (Ombudsman Act 1974) | Means a conviction (including a finding of guilt without the court proceeding to a conviction), in this State or elsewhere, of an offence involving reportable conduct. |
| Risk of Significant Harm | <ul style="list-style-type: none"> • A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are present to a significant extent • This means it is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. • <i>What is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's or young person's safety, welfare, or wellbeing.</i> |
| Volunteers | <p>Any person who freely offers to take part in an enterprise or undertake a task.</p> <p>Any person who donates their time for an organisation without being paid.</p> <p>Volunteers may include professionals, work experience students, Council committee members or any other person.</p> |
| Working with Children Check (WWCC) | Is the process whereby a person's suitability to participate in child related work is assessed. It involves a national police check and a review of findings of misconduct involving children. This process applies to all paid workers and volunteers aged over 18. |

POLICY STATEMENT

Hunter's Hill Council has a zero-tolerance approach to child exploitation or abuse. Council recognises that it is the shared responsibility of all adults to prevent child exploitation and abuse. In Australia, there is recognition that organisations that work with children also have a role in protecting them, and need policies and procedures to enable them to do so.

There is international recognition that adults who have a formal role in working with or supporting children are in positions of trust and authority. The relationship between an adult and child is not a relationship between equals. Children are dependent on adults to care for and protect them.

All staff, volunteers, students and persons undertaking work experience, contractors and suppliers 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, young people and

families, staff, volunteers, contractors and key stakeholders about their rights, responsibilities and reporting processes relating to child protection.

This policy sends a clear message that child exploitation and abuse is not tolerated and attracts disciplinary action, as well as criminal penalties under Australian legislation.

Council has developed procedures and guidelines to assist in the implementation of this policy.

PRINCIPLES

This Policy reflects Council's commitment to:

1. The Office of the Children's Guardian's Principles for Child-Safe Organisations (2017):

- Principle 1: The organisation focuses on what is best for children.
- Principle 2: All children are respected and treated fairly.
- Principle 3: Children's families and communities are welcome and encouraged to participate in the organisation.
- Principle 4: Children receive services from skilled and caring adults.

2. The *Child Safe Standards* identified in context of the Royal Commission (2017):

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 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. Policies and procedures document how the institution is child safe.

3. The United Nations *Convention on the Rights of the Child* (1990).

REQUIREMENTS

Mandatory reporting risk of significant harm:

Where there are concerns that a child or young person is suspected to be at risk of significant harm, staff who are 'mandatory reporters' are required to report these concerns to the Department of Communities and Justice (DCJ) Child Protection Helpline. The Mandatory Reporter Guide (MRG) is used to help determine when and what should be reported. Staff 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. The Child Protection Helpline receives reports via either telephone on PH: 132 111 or via eReporting. Mandatory reporting is outlined in the Children and Young Persons (Care and Protection) Act 1998.

Selection and recruitment:

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.

People and Culture (HR) manage all selection and recruitment related WWCC. This is in line with the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013.

Allegations against staff:

Complaints and allegations against staff, elected members, contractors and sub-contractors, work experience participants, volunteers, students on placement, and others involving a child or young person will be handled in accordance with the relevant legislation, specifically the Children's Guardian Act 2019. This mandates a specific approach to the handling and reporting of complaints about staff involving a child or young person. All allegations in relation to staff involving an individual under the age of 18 years will be immediately reported to the Internal Ombudsman Shared Service, who will in turn investigate and report the matter to the relevant oversight agency in accordance with Council's reporting obligations.

Child-Safe Organisation:

Council upholds and promotes the safety and wellbeing of children and young people in our community. This involves implementing best practice approaches to child protection. Council adopts the Royal Commission Final Report Recommendations (2017) relevant to Local Government including the Child Safe Standards. Council also supports the Office of the Children's 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 enables Council to meet its objectives as a Child-Safe Organisation.

RELATED LEGISLATION

- Advocate for Children and Young People Act 2014
- Child Protection (Offenders Prohibition Orders) Act 2004
- Child Protection (Offenders Registration) Act 2000
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Children and Young Persons (Care and Protection) Act 1998
- Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015
- Children and Young Persons (Care and Protection) Regulation 2012
- Children's Guardian Act 2019
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011

RELATED POLICIES/PROCEDURES

Hunter's Hill Council Code of Conduct (CORP.S-Pol.03)

Hunter's Hill Council Internal Reporting Policy (CORP.S-Pol.17)

Hunter's Hill Council Disciplinary Policy and Procedure (H.R.-Pol. 22)

Hunter's Hill Council Equal Employment Opportunity Policy and Plan (H.R.-Pol. 424/20)

POLICY AUTHORITY

The General Manager is the policy authority

GETTING HELP

For further information contact Manager People & Culture guerrar@huntershill.nsw.gov.au

REVIEW

This policy to be reviewed once per term of Council.

Next review date is: 2025

ADOPTED BY COUNCIL/EXECUTIVE:

DATE: 15 August 2022

RESOLUTION NO: 175/22

VERSION CONTROL TABLE

| DATE | VERSION | RES. NO. | KEY CHANGES | AUTHOR |
|----------|---------|----------|---|----------------|
| 12.11.01 | 1.0 | 534/01 | Initial policy | Rosanna Guerra |
| 11.12.06 | 1.1 | 572/06 | Revision is response to changes in legislative and Council Practice | Anna Yusef |
| 24.03.14 | 1.2 | 66/14 | Revision is response to changes in legislation. Doc ID 201823 | Wendy McGuirk |
| 13.11.17 | 1.3 | 322/17 | Update in response to changes in legislation. | Rosanna Guerra |
| 15.08.22 | 1.4 | 175/22 | Updated to reflect The Office of the Children's Guardian's Principles for Child-Safe Organisations (2017) | Rosanna Guerra |