



**BYRON
SHIRE
COUNCIL**

DRAFT Policy

Child Safe

2024

Information about this document

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Resolution No	
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Document History

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Further Document Information and Relationships

Related Legislation	<ul style="list-style-type: none"> • Children's Guardian Act 2019 • 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) Regulation 2012 • Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015 • Criminal Legislation Amendment (Child Sexual Abuse) Act 2018 No 33 • Privacy and Personal Information Protection Act 1998 (NSW) State Records Act 1998 (NSW) • United Nations Conventions on the Rights of the Child
Related Policies	<ul style="list-style-type: none"> • Children's Services (E2022/90972) • Code of Conduct (E2020/91907) • Risk Management Policy (E2023/30002)

	<ul style="list-style-type: none"> • Complaint Handling Policy (E2020/91907)
Related Standards, Procedures, Statements, documents	<ul style="list-style-type: none"> • Risk Management Strategy (E2023/14734) • Community Engagement Strategy (E2023/12961) • Human Resources Procedures (eg Recruitment and Selection E2019/74372)

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

1. Introduction

1.1 Objectives

This Child Safe Policy outlines Council's commitment to creating and maintaining a child-safe organisation.

It seeks to:

- demonstrate Council's commitment to the safety and welfare of children and young people
- ensure Council complies with and embeds the NSW Child Safe Standards into our leadership, culture and practice – such as including children's voices in decision making, improving recruitment and training, reviewing physical and online spaces, and ensuring thorough and fair responses to allegations
- inform all staff and volunteers of their obligations and responsibilities in keeping children safe
- ensure that Council provides a safe environment for children and young people whilst on Council premises and utilising Council services

1.2 Scope

This policy applies to:

- staff members
- Mayor and Councillors
- volunteers/work experience students,
- contractors

While this policy doesn't explicitly apply, Council's facilities hirers and leaseholders are encouraged to access the Child Safe information on Council's website and the Office of Children's Guardian website.

1.3 Definitions

Policy term	Definition
Child	a person who is under the age of 18 years (Children’s Guardian Act 2019)
Child abuse	<p>Physical abuse—the use of physical force against a child that results in harm to the child. Physically abusive behaviour includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning</p> <p>Neglect—the failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing.</p> <p>Emotional abuse—refers to a parent or caregiver’s inappropriate verbal or symbolic acts toward a child, or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Such acts have a high probability of damaging a child’s self-esteem or social competence.</p> <p>Sexual abuse—the use of a child for sexual gratification by an adult or significantly older child or adolescent. Sexually abusive behaviours can include fondling genitals; masturbation; oral sex; vaginal or anal penetration by a penis, finger or any other object; fondling breasts; voyeurism; exhibitionism; and exposing the child to, or involving the child in, pornography.</p> <p>Ill-treatment—disciplining or correcting a child in an unreasonable and seriously inappropriate or improper manner; making excessive and/or degrading demands of a child; hostile use of force towards a child; and/or a pattern of hostile or unreasonable and seriously inappropriate degrading comments or behaviour towards a child.</p> <p>Grooming is intended to manipulate and control a child or young person, their family and other support networks, with the intent of gaining access to the child, and obtaining their compliance and silence to avoid abuse being discovered. It does this by building trust and favouring some children over others to isolate and manipulate them. It can include use of alcohol or gifts or exposing a child or young person to indecent material to procure sex from them.</p>
Child Safe organisation	<p>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.</p> <p>The legislation refers to “a local government authority” as a Child Safe Organisation.</p>

<p>Child Safe Standards</p>	<p>Child Safe Standards were introduced by the Office of the Children’s Guardian to improve the way organisations provide services for children and young people to prevent and respond to child abuse that may occur within organisations.</p> <p>The scheme embeds the 10 Child Safe Standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse in the Children’s Guardian Act 2019 to guide child safe practice in NSW.</p> <ol style="list-style-type: none"> 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 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 organisation is child safe.
<p>Child-related work</p>	<p>Child-related work (including voluntary work) is:</p> <ul style="list-style-type: none"> • providing services for children and young people under 18 • where the work normally involves being face to face with children • where contact with children is more than incidental to the work. <p>The head of a child safe organisation is defined in the Children’s Guardian Act 2019 and generally means the most senior person in your organisation, such as a chief executive officer. They are also required to have a Working With Children Check</p>
<p>Mandatory Reporter</p>	<p>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. Mandatory Reporters are required by law to report suspected child abuse and neglect to government authorities. This includes, but is not limited to, professionals working in health care; welfare; education; early education and care services; residential services; and law enforcement.</p>

Reportable Conduct Scheme	The Reportable Conduct Scheme oversees investigations conducted by relevant organisations when an allegation of reportable conduct is made against an employee. The Children’s Guardian Act 2019 includes responsibility for the Reportable Conduct Scheme with oversight by the Office of the Children’s Guardian
Working with Children	Working with children means being engaged in an activity with a child where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity. Working includes volunteering or other unpaid works
Working with Children Check (WWCC)	Working with Children Check. The WWCC 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. www.ocg.nsw.gov.au/working-children-check

2. Statement of commitment

Byron Shire Council is committed to being a child safe organisation – we respect all children and their wellbeing. We will embed Child Safe Standards into our leadership, governance and culture. We will support our staff and volunteers in their responsibilities. We will strive to keep children safe from harm and abuse.

3. Legislative and strategic context

3.1 Legislative context

The Office of the Children’s Guardian introduced the Child Safe Standards to improve the way organisations provide services for children and young people to prevent and respond to child abuse that may occur within organisations.

The scheme embeds the 10 Child Safe Standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse in the [Children’s Guardian Act 2019](#) to guide child safe practice in NSW.

Local Government (along with many other organisations) must implement the standards.

The Child Safe Standards are:

- Standard 1: Child safety is embedded in organisations leadership, governance and culture
- Standard 2: Children participate in decisions affecting them and are taken seriously
- Standard 3: Families and communities are informed and involved
- Standard 4: Equity is upheld, and diverse needs are taken into account
- Standard 5: People working with children are suitable and supported

- Standard 6: Processes to respond to complaints of child abuse are child focused
- Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
- Standard 8: Physical and online environments minimise the opportunity for abuse to occur
- Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved
- Standard 10: Policies and procedures document how the organisation is child safe.

3.2 Council role

Council has zero tolerance of child exploitation or abuse and will do what it can to ensure this doesn't occur.

We recognise that with careful management, we can identify, mitigate, manage and reduce the risks to children from Council functions and programs.

Council will not knowingly engage – directly or indirectly – anyone who poses a risk to children. Council works to minimise the risks of child exploitation and abuse associated with its functions and programs and trains its staff (and others) on their obligations under this policy.

Child safety links across all of Council's work and the Community Strategic Plan.

3.3 Stakeholder input

Stakeholder engagement was undertaken to inform this policy – including staff surveys, family surveys, workshops with teams, liaison with other Councils and sessions with children and young people.

4. Policy

4.1 Policy statement

Byron Shire Council is committed to creating and maintaining a child-safe organisation. We will:

- Embed the Child Safe Standards into our leadership, culture and practice
- Strive to provide a safe environment for children in our community and when using Council services and premises
- Ensure all staff and volunteers know their obligations and responsibilities in keeping children safe and are equipped with knowledge through education and training
- Ensure we have appropriate checks in place when employing staff
- Ask, listen and empower children and ensure children's voices are heard about decisions that affect their lives

- Inform and involve families and communities in projects and decisions that impact them
- Uphold equity and consider diverse needs
- Focus on child-centred complaint process
- Continuously review and improve our implementation of the standards.

We believe 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.

Councillors, Council staff, volunteers, 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.

4.2 Our people

We will ensure our people are trained and know their responsibilities.

Our staff in child-related work and higher risk roles will receive more intensive training and education in child safety and protection. All staff will receive training to ensure they are aware of their responsibilities and are confident to identify, respond to and report child abuse:

We will ensure that only people with valid (and verified) Working with Children Checks (WWCC) are engaged in child-related work.

We will be clear in recruitment processes (such as job descriptions and interview questions) about our commitment to child safety and only engage staff that are suitably qualified and meet relevant checks.

We will handle any allegations against staff involving children and young people in accordance with relevant legislation for [reportable conduct](#). We will uphold principles of [procedural fairness](#) such as confidentiality, conflicts of interest, timely communication and offering a support person.

4.3 Our behaviours

We expect the best from our staff and to uphold the following behaviour when working and engaging with children:

- treat all children with respect
- not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- not engage children under the age of 18 in any form of sexual intercourse or sexual activity

- ensure another adult is present when working near children (wherever possible)
- not invite unaccompanied children into private residences
- never use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access child exploitation material through any medium
- not use physical punishment on children
- comply with all relevant Australian and NSW legislation
- immediately report concerns or allegations of child exploitation and abuse

4.4 Our empowerment approach

We recognise that participation and empowerment is important in child safe organisations and it helps keep children and young people safe.

We respect and value children's voices and opinions. We will [engage](#) children and their families on matters that are important to them and with regard to equity and diversity.

We will actively give opportunities for children to have their say and genuinely inform decision making. We will consider the needs and views of children when making decisions that affect them. Our two-way relationship will be built on trust and respect.

We will inform and involve families and communities on relevant issues.

We will provide relevant documents in child-friendly formats.

We will seek to provide appropriate child-friendly ways for children and young people to:

- Identify inappropriate behaviours
- Report or raise concerns about their safety and respond appropriately
- Contact Council, request a service or make a complaint.

4.4 Our spaces

We will seek to improve our risk management approach to identify how we can keep children safe when interacting with our spaces (such as buildings, playgrounds, open spaces and facilities).

We will refine our processes to ensure that our online spaces are safe and that photos and documentation is shared and stored appropriately.

We will seek to build safety into the design of public places by continuing to use Crime Prevention Through Environmental Design (CPTED) and Gender Inclusive Placemaking principles.

4.5 Our reporting approach

All adults in NSW are required to report information to police if they know, believe or reasonably ought to know that a child-abuse offence has been committed.

We will uphold our reporting requirements outlined in the [Reportable Conduct Scheme](#) under the *Children's Guardian Act 2019* where there are concerns that a child or young person is suspected to be at risk of significant harm.

We acknowledge that we need to notify the Office of Children's Guardian of any work-related allegations for [reportable conduct](#) or convictions against our employees (and any that happen outside of work where the employee, volunteer or contractor is required to hold a WWCC). This includes reporting to the Office of Children's Guardian within 7 days of the allegation being made, investigating the allegation and determining an outcome.

Some staff – such as those employed in child-related roles – are considered Mandatory Reporters with additional mandatory reporting responsibilities and are required by law to report suspected child abuse and neglect to the Department of Communities and Justice. Reporting to the Department of Education may also be required depending on where the suspected abuse occurred.

When Mandatory Reporters have concerns about the safety, welfare or wellbeing of a child or young person they are to use the [Mandatory Reporting Guide](#) in deciding whether to report their concerns to the Child Protection Helpline or identify what alternative responses and supports should be provided. Concerns may be related to physical abuse, sexual abuse, neglect, psychological harm, danger to self or others, carer concern, relinquishing care, or an unborn child.

There are several reporting channels that may be required, depending on the circumstances:

- NSW Police
- Department of Communities and Justice (Child Protection Helpline)
- Office of Children's Guardian (Reportable Conduct Scheme)
- NSW Regulatory Authority (Department of Education)

The following image provides further information.



Reporting Obligations

Organisations (and their employees/volunteers) that provide services to children in NSW have certain reporting obligations related to the safety, welfare and wellbeing of the children in their care. These exist to protect children from abuse or other harm that may occur while they are in the care of the organisation or elsewhere. Organisations and their employees/volunteers are required to report certain incidents, complaints and allegations, and these reports often need to be made to more than one agency. The following information is intended to give guidance to organisations and individuals on their reporting obligations:

 <p>NSW Police Force</p>  <p>Make a report to police if the matter involves conduct towards a child that you suspect may be criminal in nature.</p> <p>For emergencies call 000</p> <p>For police assistance and general enquiries call 131 444</p> 	 <p>Department of Communities and Justice (DCJ)</p>  <p>Communities and Justice</p> <p>Make a report to DCJ if you suspect a child is at risk of significant harm.</p> <p>Types of abuse include neglect, sexual, physical and emotional.</p> <p>Call the Child Protection Helpline on 132 111</p> 	 <p>Reportable Conduct Scheme</p>  <p>Office of the Children's Guardian</p> <p>Notify reportable allegations against staff, certain volunteers and contractors within 7 working days.</p> <p>For advice and support contact 02 8219 3800</p> <p>reportableconduct @ocg.nsw.gov.au</p> 	 <p>Regulator (if applicable)</p> <p>NSW Department of Education (Licences Council's Children's Services)</p>	 <p>Organisational response</p> <p>Every concerning matter is an opportunity for your organisation to strengthen its child safe practices and culture. This includes assessing and reviewing relevant policies and procedures.</p> <p>For support implementing child safe practices contact the Office of the Children's Guardian on 02 8219 3600</p> 
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5. Associated policies/procedures

This policy provides an overarching framework for the implementation of the Child Safe Standards. There are a number of supporting policies, strategies and procedures which will be updated to reflect this policy and the Standards, including but not limited to:

- [Community Engagement Strategy](#)
- [Risk Management Policy](#) and Strategy
- [Complaint Handling Policy](#)
- [Code of Conduct](#)
- Human Resources Procedures (e.g. Recruitment and Selection)