

# Child Safe Policy

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<b>Strategic Pillar</b>	Corporate Services
<b>Responsible Branch</b>	Workplace and Performance

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## 1 OUTCOMES

- 1.1 This Policy has been developed to outline Queanbeyan-Palerang Regional Council's commitment to preventing, detecting and responding to reportable allegations or convictions regarding child safety.
- 1.2 The Policy reflects Council's commitment being a child safe organisation, through embedding the Child Safe Standards into council systems, policies and processes. - *Children's Guardian Act 2019*.
- 1.3 Council officials will be aware of their reporting obligations.

## 2 POLICY

- 2.1 Queanbeyan-Palerang Regional Council is committed to creating and maintaining a safe environment for children in line with the NSW Child Safe Standards. The organisation, and its officials, will support this Policy by following relevant processes and procedures to protect and enhance the safety of children in Council services, facilities and programs that engage with children and young people.
- 2.2 Children and young people have the right to be respected, empowered and safe. We are dedicated to listening to their views and are committed to our responsibilities in keeping them safe.
- 2.3 This Policy has been developed in accordance with the Child Safe Standards from the Office of the Children's Guardian. The 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 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.

## 3 SCOPE OF THE POLICY

- 3.1 This Policy applies to all Council services, programs and sites, and officials including employees, volunteers, councillors and contractors.

## 4 DEFINITIONS

Allegation – where an allegation is provided by a member of the public, a Council official or other person that alleges wrongdoing.

Employee – for the purposes of this Policy, 'employee' is described in the *Children's Guardian Act 2019* (Section 16 and Section 18) as:

- (b) *for a public authority—*
  - (i) *an individual employed by, or in, the public authority, or*

- (ii) *if the public authority is an individual—the individual, or*
- (iii) *if an individual is engaged directly, or by a third party employer, as a volunteer to provide services to children—the volunteer, or*
- (iv) *if an individual is engaged directly, or by a third party employer, as a contractor and the contractor holds, or is required to hold, a working with children check clearance for the purpose of the engagement—the contractor, or*
- (v) *if an individual is the head of a third party employer contracted to provide services to children on behalf of a public authority and the individual holds, or is required to hold, a working with children check clearance—the individual,*

Reportable allegation – as defined by the *Children’s Guardian Act 2019* (Section 18) the meaning of reportable allegation, in relation to an employee of a public authority, means

- (a) *if the employee holds, or is required to hold, a working with children check clearance for the purpose of employment with the public authority—an allegation that the employee has engaged in conduct that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee’s employment, or*
- (b) *if the employee is not required to hold a working with children check clearance for the purpose of employment with the public authority—an allegation that the employee has engaged in conduct that may be reportable conduct, unless the conduct is alleged to have occurred outside the course of the employee’s employment with the public authority.*

Council official — includes councillors, Council staff, administrators, volunteers, contractors, Council committee members and delegates of Council.

## 5 LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

- *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) Regulation 2012*
- *Children’s Guardian Act 2019*
- *Environmental Planning and Assessment (EPA) Act 1979*
- *Government Information (Public Access) Act 2009*
- *Ombudsman Act 1974*
- *Privacy and Personal Information Protection Act 1998*
- *State Records Act 1998*
- *NSW Local Government Act (1993)*
- *Young Offenders Act 1997.*
- *QPRC Code of Conduct*
- *QPRC Complaint Management Policy*
- *QPRC Equal Employment Opportunity Policy*
- *Children in the Workplace Staff Policy*
- *National Criminal History Check Staff Policy*

- Working with Children Checks Staff Policy
- Volunteering at QPRC Staff Policy
- Volunteering Policy

## **6 CONTENT**

- 6.1 Council supports the active participation of children in our services, programs and events. Council will provide accessible opportunities to encourage children to take part in decisions that affect them now and in the future.
- 6.2 All Council officials will be aware of their responsibilities regarding the prevention, detection and response to reportable allegations or convictions regarding child safety in accordance with Part 4 of the *Children's Guardian Act 2019*.
- 6.3 Staff who work in relevant positions will be required to have and maintain a Working with Children Check in accordance with *the Local Government (State) Award*. Prospective employees that require a Working with Children Check will not be engaged in child-related work until Council is in receipt of a valid Check.
- 6.4 Council will meet its training and induction obligations by ensuring that all officials are inducted in child safety, understand the policies and processes aligned to child safety and understand that child safety is everyone's responsibility.
- 6.5 Council will ensure the timely reporting and investigation of allegations of possible harm, or neglect of a child in line with the Reportable Conduct Scheme where Council is a defined public authority. In doing so, Council will:
- a) Report criminal offences to the NSW or Federal Police and risk of significant harm to the Child Protection Helpline.
  - b) Work with external investigation agencies, where required.
  - c) Afford the respondent a fair process and the ability to respond to allegations
  - d) Consider appropriate actions to reduce the risk posed to the victim, the complainant and the respondent.
  - e) Provide reports and updates to the relevant authorities.
  - f) Provide support and information to the affected parties, including the alleged victims and their family and the respondent in line with section 57 of the *Children's Guardian Act 2019*.
- 6.6 Council officials will comply with instructions and advice from NSW Police, the Office of Children's Guardian, Department of Community and Justice and other relevant Government agencies.
- 6.7 Council officials will maintain strict confidentiality regarding reports and investigations of allegations of child abuse.
- 6.8 Records relating to children will be stored and maintained in line with relevant legislation.

## **7 RESPONSIBILITIES**

- 7.1 Head of entity and head of child safe organisation:  
Council is considered a relevant entity and reporting body as per the Reportable Conduct Scheme and under the *Children's Guardian Act 2019* must have a "head of

a relevant entity". For the purpose of this Policy, Council's Head of Entity and head of a child safe organisation is the General Manager. The Head of Entity is required to notify the Office of the Children's Guardian of reportable allegations and convictions against employees. The head of a child safe organisation is responsible for ensuring the child safe standards are embedded into the Council's systems, policies and processes.

7.2 Senior staff and Managers are responsible for:

- Treating all complaints seriously, equitably and confidentially, taking immediate action to report and follow direction from relevant State Government authorities.
- Notifying the Head of Entity and the Manager, Workplace and Performance of any reportable allegation.
- Identifying prior to the engagement of any non-Council employee involved in child-related work so the appropriate verification check and training can be undertaken.

7.3 Council officials are responsible for:

- Immediately notifying the General Manager or relevant Director/Manager if any reportable allegation or conviction of which they become aware.
- Report any concerns about the safety or welfare of a child or young person immediately.
- Acting in accordance with the *Children's Guardian Act 2019*.
- If working within a child-related role, the worker must hold valid clearance.
- Adhering to Council's Child Safe Policy.
- Adhering to the Council's Code of Conduct when engaged in child-related work.

## 8 REVIEW

8.1 This policy will be reviewed every four years or earlier as necessary if:

- a) legislation requires it, or
- b) Council's functions, structure or activities change
- c) Responding to child safe concerns to improve council systems, policies and processes.