



Child Protection Policy

Date policy was adopted by Council:	15 December 2010
Resolution number:	342/10
Previous Policy review date:	May 2013
Next Policy review date:	November 2016
Reference number:	C13119695

1. OUTCOMES:

Queanbeyan City Council acts to support the safety, welfare and wellbeing of children and young people that access Council services by adhering to child protection legislation and guidelines.

2. POLICY:

QCC) complies with all its statutory obligations in relation to Child Protection Legislation by ensuring that all QCC employees are aware of their responsibilities and the procedures to follow to:

- respond to incidents or concerns that children are at risk of significant harm;
- meet relevant legislated obligations for recruitment; and
- respond to incidents of reportable conduct and convictions relating to council employees.

3. DEFINITIONS

See Attachment A.

4. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

Council's obligations under this policy relate to four different pieces of legislation:

- Ombudsman Act 1974
- The Commission for Children and Young People Act 1998
- The Children and Young Persons (Care and Protection) Act 1998
- Child Protection (Working with Children) Act 2012 (NSW)

Each piece of legislation contains prescribed reporting procedures and administrative requirements that apply to Council as an employer and a provider of services to children and young people.

QCC's Child Protection Procedure integrates the procedural requirements from each of these four Acts. See Attachment B for an outline of the legislation.

5. CONTENT:

INTRODUCTION

One of the most important concerns of any community is the health, safety and well being of its children and young people.

The New South Wales Department of Human Services - Community Services states that *"whilst parents and carers are responsible for the safety and welfare of children in their care, protecting children and young people from abuse and neglect is the responsibility of the whole community"*.

Council employees who work with children and young people are appropriately screened and must act in the best interests of the child or young person and take all reasonable steps to ensure their safety whilst in council care and in other environments.

PRACTICE

QCC expects **all** employees to work to keep children safe.

Mandatory Reporting:

In accordance with the law, QCC requires all employees who are identified as mandatory reporters to report using the NSW Mandatory Reporters Guidelines (NSWMRG), from the NSW Dept of Human Services – Community Services, if they have become concerned about the possible abuse or neglect of a child or young person.

Council staff that have been identified as mandatory reporters are:

Division	1.1.1.1 Manager	Positions
Community Living	Family Services and Community Development	All childcare staff (Family Day Care, Play School), including administrative and casual staff
		Family Day Care Carers and co-carers
		Youth Centre staff
	Venue & Events.	Community Centre staff
	Aged & Disability Services	Contract Respite Staff who work with children and young people
		Direct Care Respite Staff who work with children (including host respite carers)
Library & Information	Library staff who work with children	
Parks and Recreation Services	Parks & Recreation Services	Animal Management Rangers and Pound Staff that directly supervise children (volunteers)
	Queanbeyan Aquatic Centre	Swimming Centre Staff (including Swim School Coaches)

Mandatory reporters also include the Managers and Group Managers of these staff, and the General Manager.

Employees have varying degrees of contact with children and therefore varying reporting responsibilities in relation to child protection. The detailed procedures for mandatory and non-mandatory reporting are outlined in the operational procedure document.

It is important to note that the Children and Young Persons (Care and Protection) Act 1998 clearly states that:

“A person who has a mandated responsibility has that responsibility personally. The responsibility for making a judgment and acting upon it rests with the person who has perceived the risk of harm”.

Council has an obligation to make this responsibility explicit and support individuals to meet their obligations via internal policies and procedures.

Best practise principles require that all staff listed in the table above and their management attend training on mandatory reporting every 18 months.

Staff Recruitment Process:

Council's recruitment procedures will conform to all legislated requirements for screening, reporting, record keeping and supervision of staff employed in child related positions.

Council will at all times act firstly in the best interests of the safety of children and young people whilst ensuring the rights and interests of applicants and staff are also protected.

Management of Allegations or convictions against an employee relating to child protection matters:

Council will follow best practice guidelines and legislated requirements for allegations or reports of reportable conduct against an employee or reports of convictions of an employee for child protection related offences.

Council will at all times act firstly in the best interests of the safety of children and young people whilst ensuring the rights and privacy of staff are also protected.

6. PERFORMANCE INDICATORS

- Number of staff trained in mandatory reporting, and
- All staff act in accordance with the policy and associated procedures.
- Council meets its obligations under the legislation covering child protection.

7. REFERENCES

- www.keepthemsafe.gov.au
- OMBUDSMAN's ACT 1974 www.nswombudsman.nsw.gov.au
- Children and young persons (care and protection) Act 1998
www.community.nsw.gov.au/docswr/_assets/
- The New South Wales Mandatory Reporter Guide: The Structured Decision-Making System (December 18 2009)
www.community.nsw.gov.au/kts/guidelines/documents/mandatory_reporter_guide.pdf
- Child Wellbeing and Child Protection NSW Interagency Guidelines
www.community.nsw.gov.au/kts/guidelines/reporting
- Child Protection (Working with Children) Act 2012 (NSW)
<http://www.legislation.nsw.gov.au/sessionalview/sessional/act/2012-51.pdf>

8. RELATED PROCEDURE

- Queanbeyan City Council Child Protection Procedure which includes:
 - Mandatory and Non-mandatory Reporting;
 - Child Related Employment Recruiting Procedures; and
 - Employee Allegation and Conviction Reporting.

ATTACHMENT A

Definitions (in alphabetical order)

Abuse

There are different forms of child abuse. These include:

neglect - the continued failure by a parent or caregiver to provide a child with the basic things needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision.

sexual abuse - when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. **Child sexual abuse is a crime.**

physical abuse - non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person. This includes, but is not limited to, injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation.

Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints.

Hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punishing a child (in a non-trivial way) is a crime.

psychological abuse or harm - Serious psychological harm can occur where the behaviour of their parent or caregiver damages the confidence and self esteem of the child or young person, resulting in serious emotional deprivation or trauma.

Although it is possible for 'one-off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child.

This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.

Best Practice Principles

These principles are outlined in the NSW Interagency Guidelines for Child Protection Intervention 2006 and include: Intervening early with children, young people and families, engaging families, engaging children and young people, engaging Aboriginal people, engaging people from backgrounds of cultural, linguistic and religious diversity, engaging people who have a disability and facilitating referrals.

www.community.nsw.gov.au/docswr/assets/main/documents/interagency_guidelines/introduction.pdf

Child :

- **NSW Mandatory Reporters Guide** - Age 0–15 years.
As a mandatory reporter in NSW, you are required to report concerns that you have about the safety, welfare or well-being of a child.
- **Ombudsman Amendment {Child Protection and Community Services} Act** - A person under the age of 18 years
- **Children and Young Persons {Care and Protection} Act 1998** - A person who is under the age of 16 years.

Employee

Anyone employed by the Queanbeyan City Council (QCC), whether or not they work directly with children; and anyone from outside QCC engaged to provide services to children, such as contractors, volunteers, and student placements. A person is "engaged" if the agency provides that person with work; gives them a brief about the services needed; is able to terminate their involvement with the agency.

Employment Screening

The process of gathering and assessing relevant information about an applicant for employment to assist employers to make an informed decision on whether or not to employ an applicant for a position.

Head of Agency (Ombudsman Act 1974)

The most senior salaried officer in the organisation. In the case of Queanbeyan City Council this is the General Manager.

Mandatory Reporter

A mandatory reporter in NSW is an individual required by under Section 27 of the Children and Young Persons (Care and Protection) Act 1998 to report to the Child Protection Helpline when he/she has reasonable grounds to suspect that a child, or a class of children, is at risk of significant harm from abuse or neglect, and those grounds arise during the course of or from the person's work.

Mandatory reporters include those who deliver the following services wholly or partly to children as part of their paid or professional work:

- Health care (e.g., doctors, nurses, dentists and other health workers);
- Welfare (e.g., psychologists, social workers and youth workers);
- Education (e.g., teachers);
- Children's services (e.g., child care workers, family day carers and home-based carers);
- Residential services (e.g., refuge workers);
- Law enforcement (e.g., police).

The NSW legislation also mandates any person who manages an employee from the above services to report risk of significant harm. (NSW NRG Glossary)

Neglect

The failure to provide the basic physical and emotional necessities of life. Neglect may be an ongoing situation and can be caused by a repeated failure to meet the child or young person's basic physical and psychological needs.

Parent

Any person having parental responsibility (duties, powers, responsibility and authority) for a child or young person

Reportable Conduct

Ombudsman Act 1974 – Reportable conduct refers to the following:

- Any sexual offence or sexual misconduct committed against, with or in the presence of a child (including child pornography offence): or
- Any assault, ill treatment or neglect of a child: or
- Any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

Reportable conduct does not extend to the following:

- Conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children, and to any relevant codes of conduct or professional standards;
- The use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and results in the investigation recoded under workplace employment procedures; or
- Conduct of a class or kind exempted from being reportable conduct by the Ombudsman under Section 25CA.

Further information is available on the Ombudsman website at: www.ombo.nsw.gov.au/complaints

Significant Harm

'risk of significant harm' is the current the statutory threshold for reporting concerns relating to child protection. This new statutory threshold has replaced 'risk of harm'. It is defined in the **NSW Mandatory Reporters Guide (2009)** as:

A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or well-being of the child or young person are present to a significant extent.

What is meant by 'significant' in the phrase 'to a significant extent' is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or well-being.

In the case of an unborn child, what is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child after the child's birth.

The significance can result from a single act or omission or an accumulation of these.

Young Person:

- **NSW Mandatory Reporters Guide - Age 16–17 years.**
As a mandatory reporter in NSW, you may also report concerns you have about the safety, welfare, or well-being of a young person, but are not required to do so. (NSW MRG Glossary)
- **Children and Young Persons {Care and Protection} Act 1998** - A person who is aged 16 years or above, but who is under the age of 18 years.

ATTACHMENT B

Summary of Legislated Obligations relating to Child Protection

Ombudsman Act 1974

As the "head of agency" the General Manager is required to:

- ensure all allegations of reportable conduct and convictions are investigated and reported to the Ombudsman
- set up systems to ensure all staff are made aware of their obligations to report to the head of agency any reportable allegations against employees
- ensure systems are in place for recording and responding to all allegations against employees
- set up internal systems for providing a safe environment for children in the care of the organisation
- notify the Ombudsman of any reportable allegations or convictions involving employees of which they become aware as soon as practicable and within 30 days of the matter being raised.
- complete and properly document any investigations.

The Commission for Children and Young People Act 1998

- ensure that all recruitment documentation clearly states that applicants for child-related positions will need to undergo a Working with Children Check, and seek details of at least 2 referees with full contact information
- sign all requests for a Working with Children Check before they are forwarded to the Screening Agency
- ensure that the Working with Children Check is kept on individual personnel files and notification of Clearance is provided to the relevant supervisor, and
- referral to the Commission for Children and Young People of any details relating to an employee who has been the subject of an adverse risk assessment in the checking process and/or who has been the subject of "reportable conduct" or the perpetrator of an act of violence.

The Children and Young Persons (Care and Protection) Act 1998

- set up systems to ensure employees are aware of their mandatory obligations
- ensure systems are in place for recording and responding to all allegations of children "at risk of significant harm", and
- set up internal systems for providing a safe environment for children in the care of the organisation.

Child Protection (Working with Children) Act 2012 (NSW).

- outlines what is considered "working with children"
- outlines who is prohibited from working with children
- outlines who is required to have a Working with Children clearance
- details different types of clearances and when each is required, and
- includes powers to compel disclosure of information to the Commission for Children and Young People.

POLICY:-	
Policy No:	
Policy Title:	Child Protection Policy
Date Policy was adopted by Council:	15 December 2010
Resolution Number:	342/10
Previous Policy Review Date:	May 2013
Next Policy Review Date:	November 2016
PROCEDURES/GUIDELINES:-	
Date Procedure/Guideline (if any) was developed:	
RECORDS:-	
Container Reference in TRIM: Policy	SF010123/SF080616
Container Reference in TRIM: Procedure	To be advised
Other locations of Policy:	Intranet (linked to TRIM Container)
Other locations of Procedures/Guidelines:	Intranet (linked to TRIM Container)
DELEGATION (if any):-	Nil
RESPONSIBILITY:-	
Draft Policy developed by:	Manager Family Services and Community Development
Committees (if any) consulted in the development of the Draft Policy:	Nil
Responsibility for Implementation:	Manager Family Services and Community Development
Responsibility for Review of Policy:	Manager Family Services and Community Development

INTEGRATED PLANNING FRAMEWORK:	
Community Strategic Plan:	Strategic Priority No 1 The Community
Delivery Program Title:	
Operational Plan:	Program No. N/A

Senior Authorising Officer	Position General Manager	Signature/Date  15 December 2010
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ACTION	COUNCIL MEETING DATE	RESOLUTION NUMBER	REPORT ITEM NUMBER
NEW/RECONFIRMED/ AMENDED			
New	20/03/02	138/02	AGM – Gov Item 1.
Amended	25/03/09	91/09	Item 6.
Replacement	15/12/10	342/10	Item 6

DATE REVIEWED	REVIEWER POSITION	REVIEWER NAME
May 2013	Manager Family Services and Community Development	Geraldine Manser