



Bayside Council

Serving Our Community

Child Safe Policy

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Child Safe Policy

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1 Introduction

1.1 Background

The overarching purpose of this Policy is to ensure that Bayside Council (Council) meets its commitment and obligations to safeguard Children's Wellbeing and rights to reach their full potential, by adopting strategies and acting to put the interests of Children first to keep them safe from harm.

This policy is in accordance with the Children's Guardian Act 2019 (the Act) and the Child Safe Standards.

The Child Safe Standards are as follows:

Standard 1	Child safety is embedded in institutional 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 sexual 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 institution is child safe

The following principles from the Office of the Children's Guardian must be included as part of Council's response to each Standard:

- promoting the safety of children.
- promoting respect and fair treatment of children
- promoting the safety of children from diverse background
- promoting and encouraging participation of children in the organisation.

This policy has been prepared in response to the Office of the Children's Guardian Child Safe Standards, particularly Standard 10.

1.2 Objective

This policy is designed to assist Council to prevent and respond to any alleged child abuse or child safety concerns that may occur within Council or any alleged child abuse or child safety concerns which is reported to Council.

This policy aims to:

- embed an organisational culture of child safety, for all children and young people including children or young people with disability, and
- promote the cultural safety of child and young people who come from culturally and linguistically diverse background.

This policy also informs Council employees, students, volunteers, contractors and elected members (Councillors) of their legal and duty of care obligations in reporting alleged child abuse and neglect.

1.3 Policy Scope

This Policy applies to all Council Officials including employees (including any person directly employed by Bayside Council or employed through an agency or contract basis), elected members (Councillors), students and volunteers irrespective of their involvement in child related duties.

The Child Safe Code of Conduct applies in all council venues and situations, including direct service delivery, Council events, programs, and activities, and in the use of digital technology and social media.

The Policy is intended to be read in conjunction with:

- Bayside Council's Child Safe Code of Conduct
- Bayside Council's Child Safe Reporting Procedure
- the new Children's Guardian Act 2019 which commenced on 1 March 2020. *The new Act includes responsibility for the Reportable Conduct Scheme, which is being transferred to the Office of the Children's Guardian from the Ombudsman. The Reportable Conduct Scheme oversees investigations conducted by relevant organisations when an allegation of reportable conduct is made against an employee.*
- any business unit policy, procedure or requirements covering child safety, which will prevail over this policy to the extent of any inconsistency.
- the Child Safe Standards.

2 Councils Statement Of Commitment to Child Safety

Bayside Council is committed to being a child safe organisation, by embedding the NSW Child Safe Standards into our leadership, governance and organisational culture.

We believe all children have the right to feel safe and be safe.

We acknowledge the significant lifelong impact any form of abuse can have on children and young people, and we strive to ensure they are kept free from harm whilst engaging with our services.

We will engage with our workforce, children, families and specialist agencies to ensure our community is a place where all children and young people feel included, have a voice, are valued, respected and, above all, safe.

We are committed to continuously upskilling our workforce to strengthen awareness and accountability in embedding the standards and identifying and mitigating risks to child safety.

We have zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently with our robust policies and procedures.

Bayside Council is a registered agency under the Children and Young Persons (Care and Protection) Act and remains committed to fulfilling its legislative and regulatory obligations regarding child protection.

3 Policy Content

3.1 Recruitment

Council will maintain a rigorous and consistent recruitment, screening and selection process in accordance with the Employment Screening Procedures.

All newly employees recruited by Council are required to have an identity check and criminal records check.

3.2 Working with Children Check

Council will meet legal requirements to ensure that staff who are engaged with children have valid and cleared Working with Children Checks (WWCC). The WWCC is an essential part of Council's recruitment process to prevent risk to the safety of a child.

Council will maintain a WWCC register and ensure WWC certificates remain current.

This is consistent with the *Child Protection (Working with Children) Act 2012* (NSW) and the *Child Protection (Working with Children) Regulation 2013* (NSW).

3.3 Induction and Training

Council understands that child safety is everyone's responsibility.

To ensure Council maintain a child safe culture Council Officials will be informed, resourced and supported to understand their role in providing a safe environment for children.

All Council Officials will complete induction program relative to their role in managing risks and creating a safe environment to ensure the safety, suitability and security of physical environments for children in Council's services, facilities and programs.

Council will provide appropriate best practice training programs for Council Officials to:

- a understand child safe policies and procedures
- b identify signs of harm including child exploitation or abuse
- c raise awareness of child sexual child exploitation or abuse and mandatory reporting
- d raise awareness of appropriate/inappropriate behaviour
- e understand the requirements and process for mandatory reporting and handling complaints and/or allegations
- f ensure understanding of the requirements of a child safe environment
- g develop practical skills in protecting children and responding to disclosures

Council will support and ensure relevant Council Officials undertake mandatory training in child protection and child safe practices in accordance with Child Safe Legislation.

3.4 Supervision of Staff and Volunteers

Council is committed to the provision of high-quality supervision practices of Council Officials. This includes regular reviews of workplace performance, behaviours and relationships, opportunities to share observations and problems and to safely explore views about child safety concerns.

3.5 Work Experience, Vocational Placement and Volunteering for Young People

Council provides opportunities for work experience and vocational placement for young people and engages young people in volunteering experiences.

Procedures for employment, work or study placement, and volunteering opportunities for young people will need to reflect their developmental characteristics and meet the safety requirements of this age group.

3.6 Involving Children and Young People in Decision Making

Council supports the active participation of children and young people in our services, programs, events, capital works and projects.

Council will provide accessible opportunities and encourage children and young people to take part in decisions that affect them now and in the future.

3.7 Reporting

All incidents or allegations of child abuse are to be reported in accordance with the Child Safe Reporting Procedures.

Emergency situations or where there is serious harm to the child needs to be reported to immediately to the police.

A reportable allegation is made where a child, young person or adult makes an allegation, based on a reasonable belief, that a Council Official has been involved in the abuse of a child or young person.

Council will support any relevant authorities' investigations into any concerns about children and/or allegations of exploitation or abuse towards children. While investigations are being conducted Council will ensure child protection measures continue to be in place.

In consultation with police and other authorities, and subject to their approval, Council will conduct its own inquiries to identify opportunities for child safe practice improvements.

3.8 Child Safe Contact Officer

Child Safe Contact Officers will be champions of child safety and assist in raising awareness of the Child Safe Standards and support different business unit's implementation of the Child Safe Policy and procedures and Child Safe Standards.

The support of each business unit will be determined by the needs and risks identified and expressed by the business units. Support may be delivered in the form of tailored training and resources applicable to the relevant services, roles and responsibilities.

3.9 Child Protection Coordinator

The General Manager will appoint a Child Protection Coordinator who will;

- a Act as the main point of contact for communication regarding child protection and safety
- b respond to allegations of reportable conduct concerning Council Officials having regard to procedural fairness
- c inform the General Manager of allegations of reportable conduct.
- d work closely with the General Manager to investigate and report allegations of reportable conduct concerning Council Officials,
- e engage with appropriate specialists who can advise the General Manager of;
 - o any issues or barriers affecting the organisation's ability to ensure the safety and welfare of children and young people; and
 - o provide advice and support to all employees who may have questions about Child Protection.

3.10 Mandatory Reporters

Mandatory Reporters who are required by law to report suspected child abuse and neglect to the Department of Communities and Justice (DCJ) are people who deliver the following services, wholly or partly, to children as part of their paid or professional work, and include:

- a Health care – registered medical practitioners, specialists, enrolled and registered nurses, registered midwives, occupational therapists, speech pathologists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices.
- b Welfare – registered psychologists, social workers, caseworkers and youth workers.

- c Education – teachers, counsellors, principals.
- d Early education and care services – early childhood workers, family day care educators and home-based carers.
- e Residential services – refuge workers, community housing providers.
- f Law enforcement – police.

Council Officials for Bayside Council's Youth Services and the Child Care Centres and Family Day care that is directly managed by Council are considered Mandatory Reporters.

3.11 Child Protection Helpline

Any member of the community, including mandatory reporters, who suspect, on reasonable grounds, that a child or young person is at risk of significant harm should report their concerns to the Child Protection Helpline.

Mandatory reporters and non-mandatory reporters, including the general public, should phone 132 111. In an emergency, where there are urgent concerns for the child's health or life, call the police using the emergency line triple zero (000).

3.12 Privacy and confidentiality

Council will respect the rights and privacy of all individuals involved.

Information will be treated as confidential and will only be used and disclosed on a need-to-know basis, with the consent of the individual or their authorised representative, or otherwise in accordance with law.

3.13 Policies and Processes

Council will develop, regularly review and update policies and procedures to support and strengthen a child safe organisational culture.

3.14 Risk Management

Council recognises the importance of a risk management approach to minimising the potential for child abuse or harm occurring and this informs all associated policies, strategies, and actions.

Council will undertake risk assessments and include any identified risks and mitigating actions in the corporate risk register.

To ensure Council maintains a child safe culture all Council Officials will be informed, resourced, and supported to understand their role in providing a child safe environment.

4 Child Safety Behaviours and Standards

4.1 Professional Behaviours

Council Officials are expected to demonstrate positive child safe behaviours and adhere to.

Council's *Child Safe Code of Conduct* outlines positive child safe behaviours and concerning / unacceptable behaviours when interacting with children and young people.

5 Communication

5.1 Communication processes

Council will hold regular information sessions for relevant staff, volunteers, students and elected members about child safety. The Child Safe Policy will be discussed during induction sessions for all new staff, volunteers, students and elected members.

Bayside's child safe policies and information will be available to children, their parents and carers, the general community and staff through various mediums including but not limited to website, Have Your Say page and Staff Intranet.

6 Implementation

6.1 Roles and Responsibilities

Council

- Publicly commits to child safety
- Leaders champion a child safe culture.

General Manager

- ensures that Council fulfils its responding and reporting obligations and to notify the Office of the Children's Guardian (NSW) when an allegation of child abuse is made against an employee, student, volunteer, contractor, or elected member (Councillor)
- ensures that the Council has systems in place to
 - identify and respond to child safe risks
 - processes for reporting concerns, complaints, and allegations about child abuse and/or harm
 - nominate a Child Protection Coordinator and delegate responsibilities to that member of staff.

Child Protection Coordinator

- Act as the main point of contact for communication regarding child protection and safety
- Respond to allegations of reportable conduct concerning Council employees, volunteers, students, contractors, and elected members (councillors) having regard to procedural fairness and in line with
- Inform the General Manager of allegations of reportable conduct;
- Work closely with the General Manager to investigate and report allegations of reportable conduct concerning employees of Council,
- engage with appropriate specialists who can advise the General Manager of;
 - any issues or barriers affecting the organisation's ability to ensure the safety and welfare of children and young people; and

- provide advice and support to all employees who may have questions about Child Protection.

Managers

- Ensure risk assessments are undertaken of their business unit functions and services and include identified risks with mitigating strategies and actions in Council's risk register
- Be familiar with policies and procedures related to child safety and protection and ensure that team members are aware of such policies and procedures and their related responsibilities.
- Promote and encourage a child safety focussed approach in;
 - delivering day to day services and functions
 - designing new public spaces and infrastructure
 - reviewing and upgrading existing spaces and infrastructure
 - designing and implementing Council events, programs, and activities
 - engaging contractors, service providers, volunteers and/or students

City Life Directorate

- Will provide specialist advice and information regarding Children and Young People and child safety framework.

Governance and Risk

- Provide legislative advice and investigative processes
- Assist and provide advice to employees on this policy and procedure, particularly relating to request for information, legal requirements and seeking legal advice when required.
- Will ensure induction and ongoing training regarding child safety is provided to elected members.

Business Transformation

- Ensure the policy is updated and embedded in our organisation
- Review and update screening, recruitment, induction and performance management processes to mitigate child safety risks and abuse
- Managing working with children checks (WWCC) and register
- Include child safety in the induction of new staff and volunteers
- Coordinate education and training programs for employees and volunteers (on line and/or in person)
- Coordinate mandatory training as required by legislation for relevant positions.
- Assist and providing advice to all employees on this policy and procedure, particularly relating to employee reportable allegations and reportable conduct.
- When it relates to staff, assist with guidance and advice to Managers, Directors and General Manager in preparation for any discussions/meeting or written correspondence.
- Where necessary, facilitate or conduct the investigation processes relating to reportable conduct.

Communications and Engagement Team

- Provide assistance to business units in developing and implementing engagement, communication and promotion strategies and methods that involve children and young people to ensure child safety risks are mitigated.
- Facilitate the distribution of information and resources for providing information and promoting child safe practices using various communication channels. (e.g. website, HYS and intranet).

Events, Design and Arts and Culture Team

- Provide guidance and assistance to business units in designing and distributing promotional collateral and information that includes children and young people to ensure child safety risks are mitigated.
- Develop, implement and maintain child safe procedures, practices and protocols for Council events.

Child Safe Contact Officers

Child Safe Contact Officers will be champions of child safety and assist in raising awareness of the Child Safe Standards and support different business unit's implementation of the Child Safe Policy and procedures and Child Safe Standards.

The General Manager and Directors will assign Child Safe Contact Officers within their directorate.

Council Employees, Volunteers, Contractors and Elected Members

- Understand and implement the policies and procedures.
- Follow the code of conduct that sets clear behavioural standards towards children.
- Make themselves aware of their child safety responsibilities including reporting obligations.
- Understand their obligations on information sharing and record keeping.
- Obtain, renew and maintain a valid Working with Children Check when it is a requirement of their position.

6.2 Procedures

Procedures that support this policy, may be approved by the General Manager from time to time including but not limited to:

- administrative workflow for approvals
- complaints handling
- mandatory reporting

6.3 Breaches

A breach of this Policy will be dealt with in accordance with the Bayside Council's Code of Conduct Policies.

7 Definitions

Unless the context permits otherwise, these terms have the following definition:

Term	Meaning
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>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 or young person	In this Policy, the terms 'child', 'children', and the terms 'young person' or 'young people' mean a person or persons under the age of 18.
Child exploitation	<p>One or more of the following:</p> <ul style="list-style-type: none"> • committing or coercing another person to commit an act or acts of abuse against a child • possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material • committing or coercing another person to commit an act or acts of grooming or online grooming using a minor for

	profit, labour, sexual gratification, or some other personal or financial advantage.
Child Safe Organisation	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.
Child Safe Standards	Principle-based outcome for child safe strategies.
Mandatory Reporter	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
Mandatory Reporter Guide	The Mandatory Reporter Guide (MRG) is a decision-making tool to assist Mandatory Reporters to help determine how the suspected risk of significant harm of a child or young person is reported.
Neglect	A term used to refer to a pattern characterised when a parent or caregiver cannot regularly provide a child or young person the basic requirements for his or her growth and development such as food, clothing, shelter, medical and dental care, adequate supervision and adequate parenting and care.
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.
Risk of Significant Harm (ROSH)	Concern/s about a child that is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. It is something that is not minor or trivial and that may be reasonably expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare or wellbeing. In addition, it can result from a single act or omission or an accumulation of these. Risk of Significant Harm is the NSW threshold to report child protection concerns to Department of Communities and Justice (DCJ) Child Protection Helpline. Helpline (see section 23 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW)).

Royal Commission	Means the Royal Commission into Institutional Responses to Sexual Abuse (2017). In 2012, Australian Government announced the establishment of the Royal Commission. The report made several recommendations to government and non-government organisations to keep children safe.
UN Convention on the Rights of the Child	A human rights treaty ratified in 1989 by the UN General Assembly of which Australia is a signatory, espousing its committed to keeping children everywhere safe, happy and healthy.
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.

8 Document control

8.1 Review

The Policy will be reviewed every four years from the approval date, or as required by any changes in legislation.

The Manager Governance & Risk may approve non-significant and/or minor editorial amendments and the republication of reviewed policies and procedures that do not change the policy substance.

8.2 Related documents

- UN Convention on the Rights of the Child (1989)
- NSW Office of the Children's Guardian *Guideline to Child Safe Standards 2020*
- Advocate for Children and Young People Act 2014 (NSW)
- Children's Guardian Act 2019 (NSW)
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Child Protection (WWC) Act 2012 (NSW)
- Child Protection (WWC) Amendment Statutory Review Act 2018 NSW
- Civil Liability Amendment (Organisation Child Abuse Liability) Act 2018
- Criminal Legislation Amendment (Child Sexual Abuse) Act (June 2018)
- Ombudsman Act 1974 (NSW)
- Bayside Council's Code of Conduct
- Bayside Council Child Safe Code of Conduct (Draft)
- Bayside Council Child Safe Procedures (to be drafted)
- Bayside Council's Community Engagement Plan

- Bayside Council Information Technology Security Policy
- Bayside Council Work, Health and Safety Policy
- Local Government Industry Guidelines on Workplace Investigations
- Local Government (State) Award
- Industrial Relations Act 1996

8.3 Version history

Version	Release Date	Author	Reason for Change
1.0	24/04/2024 (Council) 03/04/2024 (CS Com)	Manager Business Transformation	New document