

### 1. Purpose

This policy is to ensure Warrumbungle Shire Council ('Council') implements the 10 NSW Child Safe Standards in accordance with *Children's Guardian Amendment (Child Safe Scheme) Bill 2021*. It also ensures Council is compliant with NSW child protection legislation, including mandatory reporting, recruitment, and responding to allegations against staff involving children and young people.

### 2. Objectives

To articulate the professional and legal obligations of Council staff in relation to child protection.

To ensure Council implements procedures for the prompt and confidential response to all allegations against Council staff, volunteers, students, and persons undertaking work experience and contractors/suppliers where a child or young person is involved.

To promote the health, safety, welfare and wellbeing of children and young people.

To ensure that Council provides a safe environment for children and young people whilst on Council premises and utilising Council services.

To 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.

### 3. Scope

This policy applies to all Council staff, contractors and subcontractors, work experience participants, volunteers, students on placement and facility hirers. Children's Services staff are subject to their own Child Protection Policy.

### 4. Legislation and Associated Documents

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| <b>ASSOCIATED POLICIES</b>    | <ul style="list-style-type: none"> <li>• Code of Conduct</li> <li>• Complaint Handling Policy</li> <li>• Councillor Induction and Professional Development Policy</li> <li>• Recruitment and Selection Policy</li> <li>• Volunteer Policy and Procedure</li> </ul>   |
| <b>ASSOCIATED LEGISLATION</b> | <ul style="list-style-type: none"> <li>• Advocate for Children and Young People Act 2014</li> <li>• Child Protection (Offenders Prohibition Orders) Act 2004</li> <li>• Child Protection (Offenders Registration) Act 2000</li> <li>• Child Protection (Working with Children) Act 2012</li> <li>• Child Protection (Working with Children) Regulation 2013</li> <li>• Children and Young Persons (Care and Protection) Act 1998</li> <li>• Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015</li> <li>• Children and Young Persons (Care and Protection) Regulation 2012</li> <li>• Children's Guardian Act 2019</li> <li>• Education and Care Services National Law Act 2010</li> <li>• Education and Care Services National Regulations 2011</li> </ul> |

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| <b>ASSOCIATED DOCUMENTS</b> | <ul style="list-style-type: none"> <li>• Council Child Protection Procedure and Child Protection Reporting Flowchart (draft version)</li> <li>• Council Child Safe Code of Conduct (draft version)</li> <li>• Working with Children Check Procedure</li> <li>• NSW Child Safe Standards</li> <li>• Office of the Children's Guardian -A guide to the Child Safe Standards</li> <li>• Mandatory Reporter Guide (MRG) 2010</li> <li>• Royal Commission into Institutional Responses to Child Sexual Abuse (2017)</li> <li>• The Child Story Reporter Community</li> <li>• The United Nations Convention on the Rights of the Child (1990)</li> </ul> |
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### 5. Definitions

| Term                          | Definition  |
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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                         | A person who is under the age of 16 years   |
| Child Protection              | Is defined as any measure taken to safeguard children from abuse or harm.   |
| Child-related role/employment | Is defined as: <ul style="list-style-type: none"> <li>• work for, or in connection with, a specific, child-related role, as defined in the Child Protection (Working with Children) Act and Regulation, where that work involves direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to the work;</li> <li>• work that involves access to confidential records or information about children or young people;</li> <li>• Council's Principal Officer, that being the General Manager of Warrumbungle Shire Council, or any officer acting in that role from time-to-time.</li> </ul> |
| 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.  |
| DCJ                           | The NSW Department of Communities and Justice. DCJ is the NSW Government agency responsible for the care and protection of children and young people.   |
| 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.  |
| MRG                           | Mandatory Reporter Guide. The 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   |

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|                          | requirements for his or her growth and development such as food, clothing, shelter, medical and dental care, adequate supervision and adequate parenting and care.   |
| Risk of Significant Harm | Concern/s about a child or young person that are 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 or young person'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 DCJ via the Child Protection Helpline |
| 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.  |
| Young Person             | A young person can be defined in a variety of ways depending on the context. For the purpose of this Policy a young person is a person who is over the age of 16 years but under the age of 18 years.  |

## 6. Policy Statement

6.1 The councillors, staff, and other officials of Warrumbungle Shire Council (Council) are committed to upholding and promoting the Child Safe Standards identified in context of the Royal Commission (2017):

- Child safety is embedded organisational leadership, governance and culture.
- Children participate in decisions affecting them and are taken seriously.
- Families and communities are informed and involved.
- Equity is upheld and diverse needs are considered.
- People working with children are suitable and supported.
- Processes to respond to complaints of child abuse are child focused.
- Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
- Physical and online environments minimise the opportunity for abuse to occur.
- Implementation of the Child Safe Standards is continuously reviewed and improved.
- Policies and procedures document how the organisation is child safe.

6.2 Council will maintain rigorous and consistent recruitment, screening and selection processes, and ensure staff working in identified child-related roles hold a valid Working with Children Check.

6.3 Council will actively promote its child-safe philosophy through key documents and information channels including its website, position advertisements and staff inductions.

6.4 Council will ensure that staff engaged in identified child-related roles are supported, supervised and trained to deliver child-safe services.

6.5 Council will maintain clear standards of conduct for staff working with children and young people.

- 6.6 Council will maintain robust procedures to enable concerns or allegations regarding child protection to be raised and managed effectively.
- 6.7 Council will ensure the private information of children and young people accessing Council services is managed effectively.
- 6.8 Council will ensure that Council's policies, procedures and associated documents regarding child protection are effectively promoted, enforced and reviewed.

### 7. Getting Help

The staff member who can assist with this Policy:

Position: Manager Children's & Community Services

Department: Corporate and Community Services.

### 8. Version Control

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| <b>DEPARTMENT</b>       | Corporate and Community Services        |                   |                         |
| <b>RESPONSIBILITY</b>   | Manager Children's & Community Services |                   |                         |
| <b>VERSION CONTROL</b>  |   |                   |                         |
| <b>Policy Name</b>      | <b>Id No and Version</b>                | <b>Resolution</b> | <b>Date Adopted</b>     |
| Child Protection Policy | <b>Final</b>                            | <b>141/2324</b>   | <b>16 November 2023</b> |
| <b>Next Review Date</b> | September 2025                          |                   |                         |