

Council Policy

Child Safeguarding Policy

1: Scope

This policy applies to Northern Beaches Council's workforce (including Councillors, employees, trainees, work experience and internships, volunteers, agents, consultants, contractors and employees of contractors) irrespective of whether or not they work with, or have direct contact with children and young people under 18 years of age.

This policy will support persons, associations, organisations, clubs and groups who hire, licence or lease Council's facilities, such as sports clubs and community halls, to conduct activities which involve children and young people under 18 years of age. Council has no oversight over those activities and this policy does not apply to the hire, license or lease of Council's facilities, however, Council requires that those persons, associations, organisations, clubs and groups adopt their own Child Safe Policy. We have provided a link to a template Child Safe Policy developed by the Office of the Children's Guardian in the References section of this policy.

2: Purpose

Northern Beaches Council is committed to safeguarding children and young people, and will adopt preventative and responsive systems and practices to protect children and young people from harm and abuse.

We will involve children and young people in organisational decision making; providing them with opportunities to participate and express their view on how we plan for, design and develop our services and activities.

Child Safe Standards for Child Safe Organisations

The Child Safe Standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse provide a framework so organisations can create cultures and adopt strategies to keep children and young people safe from harm. Each standard is principle-based, and work together to emphasise the importance of adopting multiple strategies to address child safety and avoiding an over-reliance on any one strategy.

The Child Safe Standards encompass existing child safety requirements for individuals and organisations such as the Working with Children Check, the Reportable Conduct Scheme and requirements to report information to police and to the Department of Communities and Justice.

The 10 Child Safe Standards of Child Safe Organisations are:

1. Child safety is embedded in institutional 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 sexual abuse are child focussed.
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 child safe standards is continuously reviewed and improved.
10. Policies and procedures document how the institution is child safe.

3: Practices

Council's commitment to child safety

Northern Beaches Council is committed to providing and actively promoting a safe environment for children and young people.

Council has a zero tolerance towards child abuse, and is committed to protecting the physical, emotional, cultural and social wellbeing of all children and young people.

Council will ensure that policies and systems are in place and accessible to protect children and young people, and all allegations and safety concerns will be treated seriously.

Council will promote community engagement with children and young people, their families and identified community stakeholders, such as children with disabilities, CALD communities and Aboriginal communities in accordance with the *Community Engagement Policy*.

Council will routinely provide a range of ways to allow children and young people to provide feedback or raise concerns. We will listen to their view, respect what they say and involve them when we make decision, especially about matters that directly affect them.

Northern Beaches Council acknowledges that protecting the safety of children and young people is a whole of community responsibility and is everyone's business.

Recruitment

Council will undertake robust recruitment practices, implementing effective screening tools to assist in the recruitment of our workforce in order to minimise the risk of inappropriate individuals entering the organisation.

A statement of commitment to child safety will be included in all job advertisements, inclusion of child safe questions in interviews and referee checks, and the requirement of a valid Working with Children Check before commencement at Northern Beaches Council for all child related work.

Council will comply with all relevant regulatory and legal requirements when recruiting its workforce to ensure its employees and customers are not placed under unreasonable risk.

Training

Northern Beaches Council is committed to ensuring that its workforce is equipped with the knowledge, skills and awareness to keep children and young people safe. Council's aim is for the entire workforce (in addition to parents/carers and children and young people) to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns.

All employees and volunteers will be trained and supported to:

- ensure that they understand Council's commitment to child safety and their role in protecting children and young people from harm.
- increase awareness of indicators of child harm including harm caused by other children and young people.
- be aware of the different ways children and young people express concerns or distress and disclose harm including children and young people who have a disability and therefore may be more vulnerable.
- respond to issues of child safety and wellbeing, and support colleagues who disclose harm.
- build culturally safe environments for children and young people.

Council will promote itself as a child safe organisation and influence community to provide for the safety, welfare and wellbeing of children and young people. Where appropriate Council will promote child safety through procurement, grants, sponsorships and in kind arrangements with organisations working with children and young people.

Council will promote the use of child safe support and training provided by the NSW Office of the Children's Guardian to enable facility hirers and lessees who provide services to children and young people develop child safe policies and implement child safe practices guided by the standards.

Safeguarding Children Standards of Behaviour

In addition to Council's Code of Conduct, Safeguarding Children Standards of Behaviour have been developed to provide detailed guidance on appropriate behaviour and conduct when working with children and young people. These standards aim to protect children and reduce any opportunities for abuse or harm to occur. It also helps the workforce by providing them with guidance on how to best support children and young people, and how to avoid or better manage difficult situations.

Council's Safeguarding Children Standards of Behaviour aims to:

1. promote child safety in Council.
2. set expectations for the workforce to behave with children including details of acceptable and unacceptable behaviours in dealing with children.
3. protect the workforce from potential accusations of inappropriate behaviour.

Acceptable behaviours

Council's workforce are responsible for supporting the safety of children by:

- adhering to Council's Safeguarding Children Policy.
- taking all reasonable steps to protect children and young people from abuse.
- ensuring the adult/child relationship is professional and kept within the boundaries of the respective position description.
- ensuring appropriate adult's response to a child's behaviour or circumstance in line with the child's age and vulnerability and the adult's responsibility for the care, safety and welfare of the child.
- treating everyone with respect.
- listening and responding to the views and concerns of children and young people, particularly if they are telling you that they or another child has been abused or that they are worried about their safety/the safety of another child or young person.
- promoting the cultural safety, participation and empowerment of all children.
- ensuring as far as practicable, an adult should not be alone with a child unless there is line of sight to other adults.
- ensuring adults do not initiate or seek any contact with children outside of work.
- reporting any allegations of child abuse or any child safety concerns.

Unacceptable behaviours

Council's workforce must not:

- ignore or disregard any suspected or disclosed child abuse.
- use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- develop any 'special' relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children).
- initiate unnecessary physical contact with children or do things of a personal nature that a child can do for themselves, such as toileting or changing clothes.
- use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access child exploitation material through any medium.
- photograph or video a child or young person without the consent of the parent or guardians and the child's consent when appropriate.

Risk Management

Northern Beaches Council will ensure that child safety is a part of its overall risk management approach.

Council will identify, assess and takes steps to minimise the opportunity for children and young people to be harmed through:

- effective recruitment and training of Council's workforce.
- focusing on preventing child harm, including peer-to-peer harm.
- considering increased risk in relation to specific roles and activities, and children and young people with heightened vulnerability or diverse needs e.g. children and young people with disabilities.
- identifying and mitigating physical and online risks.
- involving children and young people in decision-making in relation to safety issues and risk identification.
- ensuring that third party contractors have appropriate measures in place to safeguard children and young people.

Reporting and Responding to a Child Safety Concern

We all have a responsibility to report if we have formed a reasonable belief that abuse has occurred. Practices and processes are in place to investigate complaints and allegations thoroughly and quickly and Council will work with the relevant authorities and internal departments to investigate all complaints and allegations.

Certain staff at Council are classed as Mandatory Reporters and have a responsibility to recognise and respond to safety, welfare or wellbeing concerns for children and young people. Mandatory reporters are legislated to report suspected risk of significant harm concerns to the Child Protection Helpline. In NSW, mandatory reporting is regulated by the Children and Young Persons (Care and Protection) Act 1998 (the Care Act). Council's workforce will be trained to respond appropriately to complaints, allegations and disclosures. All children, young people, families, and Council's workforce will know what to do and who to tell if they observe abuse or are a victim of abuse, and if they notice inappropriate behaviour.

If an adult is witnessing an incident or has a reasonable belief that an incident has occurred then they must take immediate action and report the incident.

Factors contributing to reasonable belief may be:

- A child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves).
- Behaviour consistent with that of an abuse victim is observed.
- Someone else has raised a suspicion of abuse but is unwilling to report it.
- Observing suspicious behaviour.

Designated Child Safety Officers will be identified and trained to support the workforce with compliance to this Policy and guide, monitor and review the above processes.

Timely feedback will be provided to children and young people, families, and Council's workforce who raise concerns or allegations. This includes reporting back on incidents, concerns and complaints.

Privacy and confidentiality

While safety and wellbeing of children is our primary concern, Council is committed to protecting an individual's right to privacy.

Unless there is a legislative requirement, all personal information considered during the process of a report or investigation, will be dealt with in accordance with Council's Privacy Policy.

References and related documents

- [The Office of the Children's Guardian](#) (accessed October 2020)
- [Children and Young Persons \(Care and Protection\) Act 1998](#) (accessed October 2020)
- [Child Protection \(Working with Children\) Act 2012](#) (accessed October 2020)
- [Children's Guardian Act 2019](#) (accessed October 2020)
- Human Rights - [Child Safe Organisations](#) (accessed October 2020)
- The Advocate for Children and Young People - [Engaging children and young people in your organisation](#) (accessed October 2020)
- [The National Office for Child Safety](#) (accessed October 2020)
- [Keep Them Safe: A shared approach to child wellbeing](#) (accessed October 2020)
- NSW Government, Department of Premier and Cabinet, Child Wellbeing & Child Protection: [NSW Interagency Guidelines](#) (accessed October 2020)
- [Privacy Act 1988](#) (accessed October 2020)
- [Equal Employment Opportunity \(Commonwealth Authorities\) Act 1987](#) (accessed October 2020)
- [Northern Beaches Council Code of Conduct](#) (accessed October 2020)
- [Northern Beaches Council Vision and Values](#) (accessed October 2020)
- [Child Safe Policy](#) template developed by the Office of the Children's Guardian (accessed October 2020)

Definitions

Term	Definition
Abuse	<p>All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.</p> <ol style="list-style-type: none"> 1. physical abuse 2. emotional abuse 3. neglect 4. sexual abuse 5. exposure to family violence.
Child or young person	A person who is under the age of 18 years.
Child Safe Organisation	<p>An organisation that consciously and systematically:</p> <ul style="list-style-type: none"> • creates condition that reduce the likelihood of harm to children, • creates conditions that increase the likelihood of identifying and reporting of harm and, • responds appropriately to disclosures, allegations and suspicions of harm.
Child Safety Officer	Designated people leaders in Council who are mandatory reporters.
Mandatory Reporter	<p>Mandatory reporters are people who deliver the following services, wholly or partly, to children as part of their paid or professional work:</p> <ul style="list-style-type: none"> • Health care (e.g. registered medical practitioners, specialists, general practice nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices) • Welfare (e.g. psychologists, social workers, caseworkers and youth workers) • Education (e.g. teachers, counsellors, principals) • 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) • A person in religious ministry or a person providing religion-based activities to children (e.g. minister of religion, priest, deacon, pastor, rabbi Salvation Army officer, church elder, religious brother or sister) • Registered psychologists providing a professional services as a psychologist to adults.
NSW Child Protection Legislation	<p>NSW Child Protection Legislation' includes:</p> <ul style="list-style-type: none"> • Child Protection (Working with Children) Act 2012 (NSW) • Children and Young Persons (Care and Protection) Act 1998 (NSW) • Children and Young Persons (Care and Protection) Regulation 2012 (NSW) • Children's Guardian Act 2019 (NSW); • Civil Liability Act 2002

<p>Reportable Conduct The Act defines 'reportable conduct' as,</p>	<p>a sexual offence, such as:</p> <ul style="list-style-type: none"> • sexual touching of a child • a child grooming offence • production, dissemination or possession of child abuse material
	<p>sexual misconduct, such as:</p> <ul style="list-style-type: none"> • descriptions of sexual acts without a legitimate reason to provide the descriptions • sexual comments, conversations or communications • comments to a child that express a desire to act in a sexual manner towards the child or another child
	<p>ill-treatment of a child, such as:</p> <ul style="list-style-type: none"> • making excessive or degrading demands of a child • a pattern of hostile or degrading comments or behaviour towards a child • using inappropriate forms of behaviour management towards a child
	<p>neglect of a child, such as:</p> <ul style="list-style-type: none"> • failing to protect a child from abuse • exposing a child to a harmful environment, for example, an environment where there is illicit drug use or illicit drug manufacturing
	<p>an assault against a child, such as:</p> <ul style="list-style-type: none"> • hitting, striking, kicking, punching or dragging a child • threatening to physically harm a child
	<p>an offence under s 43B (failure to protect) or s 316A (failure to report) of the Crimes Act 1900</p>
	<p>behaviour that causes significant emotional or psychological harm to a child. Indicators to look out for in assessing whether a child has suffered harm may include:</p> <ul style="list-style-type: none"> • behaviour patterns that are out of character • regressive behaviour • anxiety or self-harm.

Responsible Officer

Executive Manager Children’s Services

Review Date

October 2024

Revision History

Revision	Date	Change	TRIM #
1	23 June 2020	Draft policy placed on Public Exhibition	2020/122123
2	27 October 2020	Policy Adopted by Council with minor change to alter the word “recommends” to “requires” in the section titled “Scope”.	2020/122123
2.1	30 October 2020	Minor administrative change – Title changed from Operational Policy to Council Policy	2020/122123