

Title:	CHILD PROTECTION POLICY
Council Adopted:	21 February 2017
Council Resolution No:	34/17FC
Responsible Department:	Corporate and Community
Date to be Reviewed:	4 February 2019

1. Purpose

The overall objective of this policy is to provide a safe, caring and nurturing environment for children and young people using Council's services and to comply with all obligations under the NSW Child Protection Legal Framework.

Expressly the community has a right to expect that when using any of the services and facilities of Federation Council, that Council will:

- a) provide a safe, caring and nurturing environment for their children,
- b) their children and young people will not be placed at risk of harm, and will be protected from all forms of abuse, including sexual, physical, psychological abuse and neglect and
- c) ensure all workers engaged with Council in a child related role
 - i. have undergone appropriate probity checks, have a valid Working with Children Check clearance number and are not Prohibited Persons as described in the *Child Protection (Prohibited Employment) Act 1998*,
 - ii. are aware of their responsibilities and obligations in relation to the various child protection legislation and Councils policy and associated protocol and
 - iii. understand they have a mandatory duty to report any suspected risk of harm to a child or young person,
- d) ensure Council promptly implements procedures which are confidential and transparent when investigating and responding to allegations of "reportable conduct" as defined under Section 25A of the *Ombudsman's Act 1974*. (Refer to NSW Ombudsman Fact Sheet – Defining Reportable Conduct).

2. Policy Statement

All suspected cases of child abuse and neglect, which come to the notice of Federation Council, either observed by employees in the course of their duties or reported to staff, will be reported in accordance with the relevant legislative requirements.

3. Scope

This policy applies to all Council employees, including casuals, councilors, administrators, management committees, volunteers, consultants, facility hirers, contractors and work experience students undertaking vocational related training in all Council buildings and facilities used by children and young persons.

4. Child related work

Federation Council has identified key positions that have direct contact with children to which this policy is particularly relevant including but not limited to:

- All Pre-school educators and Assistants
- Library staff
- Swimming pool operators and staff – Corowa, Howlong, Oaklands, Urana
- Community Development Officer , Youth and Events Officer

5. Designated Public Agency

[Section 25A 1\(c\) Ombudsman Act 1974](#) defines “... any other **public authority** prescribed by the regulations for the purposes of this definition” as being a **designated government agency**.

Federation Council is a local government authority and considered a **public authority** (Section 5 1(g1) *Ombudsman Act 1974*) which requires us to have systems for preventing reportable conduct and handling [reportable allegations and convictions](#). ((S 25A(1) of the Ombudsmans Act 1974) arising through the course of an employee’s work.

6. Responsibility

6.1 Head of Agency

Federation Councils General Manager as the Head of Agency, is responsible for ensuring effective systems are implemented to make certain that he/she is advised of any reportable allegations or convictions against their employees.

Once the General Manager has been advised of a reportable allegation or conviction against an employee, they must notify the NSW Ombudsman within 30 days of being made aware of the allegation or conviction. The notification must include:

- details of the allegation or conviction
- advice as to whether or not they propose to take disciplinary or other action in relation to the employee, and the reasons for taking or not taking any action
- any written submissions made to them by the employee about what action should be taken against them.

6.2 Group/executive managers, managers, coordinators and team leaders.

Responsibilities of Directors, team leaders and coordinators are to:

- model appropriate workplace behaviours and monitor the work environment to ensure acceptable standards of conduct are observed at all times
- endeavour to ensure workers are aware of and understand Council’s Child Protection Policy and Procedures
- treat all complaints seriously, equitably and confidentially, taking immediate action to investigate and resolve allegations
- notify the General Manager of any reportable allegation
- determine existing and emerging child-related roles within the organisation supported by Human Resources
- Notify Human Resources **prior** to the engagement of any non-Council employee involved in child-related work so the appropriate verification check can be undertaken.

6.3 Human Resources are accountable for:

- Informing and consulting with staff regarding Working With Children requirements
- Supporting Managers to determine child-related roles within the organisation and for the ongoing management of the process
- Verifying the workers Working With Children Check number
- Keeping a record of the workers clearances including Working With Children Check number, its expiry date and the date of the employer's verification
- Notifying the General Manager of allegations.

6.4 Workers are accountable for:

- Acting in accordance with the Child Protection (Working With Children) Act 2012
- Applying for a Working With Children Check clearance number and providing it to Human Resources if the role is deemed child-related
- Applying for a Working With Children Check clearance number, when they are not employed by Council, and providing the clearance number to the person who engaged them in child-related work
- Complying with Council's policies and procedures
- Notifying Human Resources of any reportable allegation or conviction of which they become aware.

7. Barred Status of Workers Employed by Council

Federation Council policy is not to employ any person for child related work (paid or unpaid if the outcome of their online verification is:

- Barred
- Interim barred
- Not found

Should the check or continuous monitoring of a verification result in a barred status the worker, if currently working in a child-related role, will be removed from that role immediately. Should the worker be an employee of Council then the matter will be referred to the General Manager for determination; which depending on the circumstances may also result in termination of employment.

8. Definitions

Child - a person who is under 16 years of age ([Section 3 of the Children and Young Persons \(Care and Protection\) Act 1998](#))

Child Related Employment - Employment that primarily involves direct contact with children in a child related sector, or work in a stipulated, child – related role ([Part 2, Section 6 of the Child Protection \(Working with Children\) Act 2012](#)).

Prohibited Person - Someone who has been convicted of a serious sex offence as defined under *Section 5 of the Child Protection (Prohibited Employment) Act 1998*.

Reportable conduct – Refer [Section 25A of the Ombudsman's Act 1974](#). (explained further in NSW [Ombudsman Fact Sheet – Defining Reportable Conduct](#))

Vexatious Complaints - Allegations of child abuse against staff members (by colleagues or members of the public) that are unfounded.

Working with Children Check – Includes national police check and review of finding of misconduct involving children resulting in either a clearance or a bar.

Young Person -Someone who is aged 16 years or above but who is under the age of eighteen.

9. References

Relevant Legislation	<ul style="list-style-type: none"> • <i>Child Protection (Working with Children) Act 2012</i> • <i>Child Protection (Working with Children) Regulation 2013</i> • <i>Child Protection (Working with Children) Amendment (Miscellaneous) Regulation 2013</i> • <i>The Ombudsman Act 1974 (NSW) No. 68</i> • <i>Children and Young Persons (Care and Protection) Act 1998</i> • <i>Crimes Act 1900 (NSW) No. 40</i> • Local Government State Award 1997
Relevant Council documents and systems	<p>Child Protection Procedures</p> <p>Code of Conduct for Councillors, Staff and Delegates</p> <p>Equal Employment Opportunity Policy</p> <p>Bullying and Harassment Policy</p> <p>Grievance Policy</p> <p>Recruitment and Selection Policy</p> <p>Privacy Management Plan</p> <p>Induction Procedures</p> <p>Council's Employee Assistance Program</p> <p>Council's Complaints Handling – Policy and Procedures</p> <p>Social Community & Cultural Plan 2014-2015</p>
Other resources	<p>The Child Wellbeing & Child Protection - NSW Interagency Guidelines (the Guidelines) provide practical guidance on interagency cooperation in child protection.</p> <p>Office of the Children's Guardian Access to the online portal for Working with Children's checks</p>

10. Policy History

Version	Date	Changes/Amendment
Draft	03/11/2016	Draft of document for Federation Council
V1.0	21/02/2017	<p>Adopted by Council with changes</p> <p>References to 'Art Gallery' and 'Mulwala Swimming Pool' on page two removed.</p> <p>Updated policy at clause 7 to include statement that Federation Council will not employ any person for child related work that has been barred, interim barred or where no verification can be found.</p>

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