



# CHILD SAFE POLICY

Policy 29/2024-2028

## DATE

- Ordinary Meeting of Council 14 November 2023 and 11 March 2025

<b>POLICY NO:</b>	<b>29/2024-2028</b>
<b>LEGISLATIVE REQUIREMENTS</b>	Refer to section 13 of the Policy
<b>RESPONSIBILITY:</b>	Finance & Corporate Strategy
<b>OBJECTIVE:</b>	A Child Safe Policy promotes the health, safety, welfare and wellbeing of children and young people. The policy outlines The Hills Shire Council's commitment to creating and maintaining a child safe organisation.
<b>REVIEW</b>	Every 12 months or as required.

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## 1. Purpose

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The purpose of Council's *Child Safe Policy* is to promote the health, safety, welfare and wellbeing of children and young people. This policy will outline Council's commitment to creating and maintaining a child safe organisation.

This will be the overarching policy that provides a framework of the key elements of Council's approach to child safety and how we will ensure compliance with all laws, regulations and standards relevant to child protection in New South Wales.

The *Child Safe Policy* provides the framework to:

- Use the child safe standards to underpin how we keep children safe;
- Support our child safe culture through practices and procedures that promote child protection, safety and prevent and respond to harmful behaviour;
- Support leadership teams to report any breaches of Council's *Code of Conduct*, policies and act to ensure the safety and wellbeing of children are upheld.

This policy applies in all environments, both physical and online.

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## 2. Scope and audience

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Council's *Child Safe Policy* applies to all adults in the community, including the following:

- Councillors
- Employees (full time, part time, casual, temporary and fixed term)
- Volunteers
- Contractors
- Customers of Council
- Visitors

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## 3. Definitions

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Child abuse and neglect refers to any behaviour or treatment by parents, caregivers, other adults or older adolescents that results in the actual and/or likelihood of causing physical or emotional harm to a child or young person. Such behaviours may be intentional or unintentional and can include acts of omission (i.e. neglect) and commission (i.e. abuse) (CFCA, 2018).

Term	Meaning
<b>Abuse</b>	A term used to refer to different types of harm or maltreatment. In this Policy, it refers to types of harm or maltreatment that children or young people experience including physical harm, sexual assault, exposure to domestic violence, psychological harm and prenatal risks.
<b>Allegation</b>	Behaviour that is reportable conduct, as well as behaviour that is exempt from notification to the NSW Office of the Children's Guardian, however requires investigation by Council.
<b>Child</b>	A person who is under the age of 16 years.

<b>Child-related work</b>	Work which involves direct contact by the worker with a child or young person where that contact is a usual part of and more than incidental to the work. It also includes work that is likely to involve contact with a child or young person in connection with at least one of the 20 legislated categories of child-related work. It may also include a worker who has access to confidential records or information about children or young people.
<b>Child safety law</b>	Includes, as updated from time to time, the following legislation: <ul style="list-style-type: none"> <li>• Child Protection (Working with Children) Act 20212 (NSW)</li> <li>• Child Protection (Working with Children) Regulation 2013 (NSW)</li> <li>• Children and Young Persons (Care and Protection) Act 1998 (NSW)</li> <li>• Childrens Guardian Act 2019 (NSW)</li> </ul> Children (Education and Care Services National Law Application) Act 2010 (NSW)
<b>Child safe officer</b>	This is an individual appointed by the Child Safe Committee who is responsible to provide advice and support to Council employees in making reports in relation to child safety.
<b>Child Safety Risk Management</b>	An overarching description of how Council intends to keep children safe.
<b>Contracted Service Provider</b>	A third party contracted to provide goods, services or programs on behalf of or with the Council.
<b>Council employee</b>	Any person engaged in work for the Council in any of the following capacities: <ul style="list-style-type: none"> <li>• Full time, part time, casual, temporary and fixed term employees</li> <li>• Agency staff</li> <li>• Volunteers</li> <li>• Students on placement; and;</li> <li>• For the purposes of this policy, Councillors.</li> </ul>
<b>Department of Communities and Justice</b>	The NSW Department of Communities and Justice (DCJ). The DCJ is the NSW government agency responsible for the care and protection of children and young people.
<b>Direct contact</b>	Physical or face to face contact and contact online.
<b>Mandatory reporter</b>	People who deliver services, wholly or partly, to children or young people as part of their paid or professional work is required as per section 27 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> to report any grounds for suspecting that a child is at risk of significant harm. It is mandatory to make a report if the child is from 0 to 15 years of age.

<b>Mandatory Reporting Guide</b>	Tool that assists a mandatory reporter to help decide whether a child, is suspected to be at Risk of Significant Harm and report to the Child Protection Helpline should be made. This tool is found via the NSW Department of Communities and Justice website.
<b>Office of the Children’s Guardian</b>	The Office of the Children’s Guardian is a statutory NSW government agency and is responsible for overseeing organisations that provide services to children.
<b>Reportable Conduct</b>	<p>Section 20 of the <i>Children’s Guardian Act 2019</i> defines reportable conduct as the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded –</p> <ul style="list-style-type: none"> <li>i. a sexual offence (committed against, with or in the presence of a child or young person);</li> <li>ii. sexual misconduct (with, towards or in the presence of a child or young person);</li> <li>iii. ill-treatment of a child (or young person);</li> <li>iv. neglect of a child (or young person),</li> <li>v. an assault against a child (or young person)</li> <li>vi. an offence under section 43B or 316A of the Crimes Act 1900,</li> </ul> <p>behaviour that causes significant emotional or psychological harm to a child (or young person).</p>
<b>Risk of significant harm</b>	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.
<b>Royal Commission</b>	Refers to the Royal Commission into Institutional Responses to Child Sexual Abuse (2017).
<b>Wellbeing</b>	In the context of child safety, wellbeing refers to the child’s whole welfare. This means keeping the child in focus when making decisions about their loves and working together with children and their families to ensure they receive care and services which support all the different stages of their lives.
<b>WWCC</b>	Working with Children Check (WWCC) is a requirement for anyone in paid or volunteer child-related work in NSW. Employers and organisations must verify the WWCC details regularly of anyone that is engaging in child-related work. The Check lasts for 5 years and undergoes continuous monitoring, even if the Check holder moves to a different employment within the organisation.
<b>Young person</b>	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.

Source: Community Early Learning Australia. Providing a Child Safe Environment, June 2021

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#### 4. Responsibilities

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Child protection is everyone's responsibility. All adults have a shared responsibility to understand the important and specific role that they play, individually and collectively, to ensure that the wellbeing and safety of all children is at the forefront of all that they do and every decision they make.

- **Council** – Publicly commits to child safety and embeds a child safe culture.
- **General Manager/Councillors** – Responsible for ensuring 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 a Councillor, employee, volunteer or contractor.
- **Group Manager** – Responsible for ensuring compliance with this *Policy* and that all employees and volunteers are informed, resourced and supported to understand their role in providing a child safe environment.
- **Employees, contractors, and volunteers** – All Council employees, contractors and volunteers are required to comply and adhere to the requirements of this *Policy*, reportable conduct responsibilities under *Child and Vulnerable Person Protection Policy* and responding and reporting obligations and be able to demonstrate their awareness of their child safe responsibilities.

It is the responsibility of all employees to take reasonable action to protect the safety of children when a child or young person is at risk of significant harm.

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#### 5. Policy Statement

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The Hills Shire Council provides for the needs of children within our community by providing early learning education centres, community centres, libraries and aquatic and recreation facilities.

Council is committed to providing the necessary resources to ensure compliance with all relevant child protections laws and regulations to maintain a safe and supportive environment for all children.

##### **Our commitment to Child Safety & Wellbeing**

This policy reflects Council's organisational commitment to child safety as Council believes that children and young people have the right to be safe, respected and empowered. Council is dedicated to listening to children's views and committed to our responsibilities in keeping children safe.

The NSW Child Safe Standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) provides a framework for making organisations safer for children. The Standards provide tangible guidance to create a child safe culture, adopt strategies and act to keep children safe from harm.

The Child Safe Standards includes the following:

1. Child safety is embedded in organisational 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 abuse are child-focused.
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 the Child Safe Standards is continuously reviewed and improved.
10. Policies and procedures document how the organisation is child safe.

At Council:

- We support the rights of children and committed to their safety and wellbeing.
- We believe that every child and young person have the right to feel safe and we all have a shared responsibility to protect each child from harm and abuse
- We support and respect all children.
- We have zero tolerance for child abuse and have embedded policies and procedures to prevent and respond to any incidents.
- We are committed to providing necessary resources to ensure compliance with all relevant child protection laws and regulations.
- All allegations and safety concerns are treated very seriously and consistently with our policies and procedures.
- We have legal obligations to contact authorities when we are worried about a Child's safety, or where there is an allegation against one of our employees or volunteers, which we follow rigorously.
- We are committed to training and educating Council employees, volunteers, management and Councillors on child abuse risks and obligations to prevent abuse and respond appropriately.
- We believe that each stakeholder of the community has a responsibility to understand the important and specific role they play, individual and collectively to ensure that the wellbeing and safety of all children is at the forefront of all that they do and every decision that they make.
- We are committed to becoming a Child Safe Organisation by embedding the NSW Child Safe Standards across our policies and practices.

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## 6. Operational Procedures

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We have specific operational policies and procedures in place that supports Council to achieve our child safe commitments.

This Policy should be read in conjunction with the following policies and procedures:

- THSC Child Safe Commitment Statement
- THSC Child Safe Code of Conduct
- THSC Code of Conduct
- THSC Waves and Aquatic Centre Child Safety Manual
- Childrens Services Child Safe Commitment Statement
- Childrens Services Child Safe Internal Policy
- Childrens Services Child Safe Code of Conduct
- Childrens Services Complaint Management Internal Policy
- THSC Child and Vulnerable Person Protection Internal Policy
- THSC Recruitment Internal Policy



- THSC Use of Social Media Internal Policy
- THSC Electronic Devices, Email & Internet Usage Internal Policy
- Child Safe Risk Management Plan – THSC Overall Sites
- Child Safe Risk Management Plan – Event Sites (Castle Hill Showground, Bella Vista Farm & Pioneer Theatre)
- Child Safe Risk Management Plan – Customer Service
- Child Safe Risk Management Plan – Castle Hill Library
- Child Safe Risk Management Plan – Dural Library
- Child Safe Risk Management Plan – Vinegar Hill Memorial Library
- Child Safe Risk Management Plan – Baulkham Hills Library
- Child Safe Risk Management Plan – Balcombe Heights Childcare
- Child Safe Risk Management Plan – Castle Glen Childcare
- Child Safe Risk Management Plan – Ellerman Childcare
- Child Safe Risk Management Plan – Eurambie Childcare
- Child Safe Risk Management Plan – Excelsior Childcare

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## 7. Human Resource Management

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### Recruitment and Selection

Council is committed to fulfilling its duty of care by endeavouring that all workers act in the best interests of a child and take all responsible steps to ensure a child's safety.

### Working with Children Checks

Council's recruitment and selection processes ensure screening for all staff and volunteers with direct contact work with a child or a young person and where contact is a usual part of, and more than incidental, to the work as defined by the *Child Protection (Working with Children) Act 2012*. This involves (but not limited to) holding a current Working with Children Check (WWCC), reference checks, induction and onboarding, probation periods and any mandatory training.

If a Council employee becomes a disqualified person during the course of their employment, the relevant manager in consultation with the relevant HR and Wellbeing Business Partner, will immediately remove the employee from child related work and the employee may be placed in non child related work or suspended from duty (with pay) pending the outcome of an investigation.

### Learning and Development

Council will meet its training and induction obligations by ensuring that all Councillors, employees and volunteers are inducted in child safety and understand that child safety is everyone's responsibility.

Councillors, employees and volunteers will be provided with training, such as online training modules, to support their understanding of Council's commitment to child safety and that everyone has a role to play in safeguarding children.

The relevant workforce, such as early learning centres, libraries and aquatic and leisure centre employees, who will have direct contact work with a child or a young person, will undertake more specialised child safety training that is relevant to their role and responsibilities as per legislative requirements and Council's policies and procedures. This includes training in relation to child safety risk management, identifying and responding to risk of significant harm and responding to allegations of reportable conduct.

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## 8. Confidentiality and records management

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### Privacy and Confidentiality

Privacy and confidentiality will be maintained for all records and information concerning child safety matters. Any personal information considered during the process of reporting or investigating reportable conduct or any allegation will be collected and managed in accordance with the provisions set out in the *Privacy and Personal Information Protection Act 1998*.

Personal information will only be disclosed if there is a legislative requirement for disclosure. All child safety information and records will be stored in accordance with the child safety and protection legislation requirements.

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## 9. Child Safety Risk Management Plans

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Council understands the importance of implementing a Child Safe Risk Management Plan to prevent and mitigate any risks to child safety.

Council's Child Safety Risk Management Plans provide a framework and document how the safety and wellbeing of children across the organisation will be identified and managed.

The plans will address the following risk factors:

- **People:** The attitudes, behaviour and conduct of people who come into contact with or work with children with disability, children from culturally and linguistically diverse backgrounds.
- **Processes:** Processes and procedures used by Council. A risk management plan will mitigate the risks of ineffective processes which may result in a failure to prevent, identify and respond to incidents of abuse or harm.
- **Systems:** Council systems or other systems that are accessed and used to provide services to children, for example customer databases, internet services, mobile phones and security systems.
- **Physical environment:** Feature of the physical environment of Council, i.e. areas with poor visibility and surveillance and the online environment, such as direct, unsupervised and one on one contact with children that may expose children to harm.

Council has created an overall risk management plan as well as local site specific risk management plans that will address risk factors associated with the differing physical environment in which our services are delivered.

Site specific plans are required for:

- Each individual Council facility attended by children;
- Each unique service offered to children where numerous services operate out of the same facility (regardless of whether or not the service is exclusively for children);
- Each event, program or service provided by Council delivered outside of a Council facility where children are expected to attend.

Risk management plans may be reviewed following any incident and at least annually.

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## 10. Child focused complaints management

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It is the responsibility of all employees, Councillors and volunteers, who has reasonable grounds to believe that a child, young or vulnerable person is in need of protection due to being at risk of being physically or sexually abused or illtreated, to make a report to the Office of Children's Guardian.

The Mandatory Reporter Guide (MRG) is used to help determine when and what should be reported. Staff who are not mandatory reporters, as well as members of the community, can also report the suspected risk of significant harm to the Child Protection Helpline. The Child Protection Helpline receives reports either via telephone or eReporting. Mandatory reporting is outlined in the Children and *Young Persons (Care and Protection) Act 1998*.

Once Council is aware of the reportable conduct, we will take immediate steps to assess and minimise any further risk of harm, as well as internally investigating the reportable allegations as per the *Child and Vulnerable Person Protection Internal Policy*.

Council's response to any report, complaint, incident or allegation will be child focused, this means prioritising the safety, interests and wellbeing of the child or children involved.

Council will:

- Ensure the processes for responding to alleged abuse and misconduct are fair and focus on the safety and wellbeing of the child;
- In the event that an employee poses a serious risk to a child, remove or reduce the risk to the child;
- Where there is an allegation against a Council employee notify the relevant authorities;
- Conduct an investigation in line with Council processes;
- Provide reports and/or progress updates to the relevant authorities (where required);
- Provide support or make referrals for support to alleged victims, their families and affected Council employees;
- Undertake timely reviews of organisational child safety policies, procedures and/or relevant child safe risk management plans following an incident.

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## 11. Consultation

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This Policy has been developed in consultation with internal stakeholder such as the Child Safe Committee which comprises of various representatives from Council including Human Resources, Customer Services and Community Venues, Development and Compliance and Shire Strategy Group and the Joint Consultative Committee.

In addition to internal process, the policy was also made available to external stakeholders and posted for exhibition to the Community.

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## 12. Related documents (if not covered fully in the policy)

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- THSC Child Safe Commitment Statement
- THSC Child Safe Code of Conduct
- THSC Code of Conduct
- THSC Waves and Aquatic Centre Child Safety Manual
- Childrens Services Child Safe Commitment Statement
- Childrens Services Child Safe Internal Policy
- Childrens Services Child Safe Code of Conduct

- Childrens Services Complaint Management Internal Policy
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- Child Safe Risk Management Plan – Eurambie Childcare
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### 13. Related legislation, regulations and standards

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This policy complies with and supports implementation and compliance with the following policies and instruments, but is not limited to:

- *Children’s Guardian Act 2019*
- *Child Protection (Working with Children) Act 2012*
- *Child Protection (Working with Children) Regulation 2013*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Children’s Guardian Act 2019*
- *Crimes Act 1900*
- *Children and Young Persons (Care and Protection) Regulation 2012*
- *Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015*
- *Disability Inclusion Act 2014*
- *Anti-Discrimination Act 1977*
- *Government Information (Public Access) Act 2009*
- *United Nations Convention of the Rights of the Child*
- *Child Safe Standards*
- *Local Government (State) Award 2020*
- *Industrial Relations Act 1996*
- *Privacy and Personal Information Protection Act 1998*

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### 14. Publication

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The policy will be published and placed on Council’s internal portal and website. Any changes to the policy will be communicated.

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**15. Review**

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December 2028.

This policy will be reviewed on the date above or more frequently as required. The HR & Wellbeing team are responsible for the review of this Policy.

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**16. Approval**

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Council approved this Policy on 14 November 2023 and 11 March 2025.