



CUMBERLAND
CITY COUNCIL

Child Protection Policy

AUTHORISATION & VERSION CONTROL

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INTRODUCTION

Cumberland City Council supports the rights of children and young people and is committed to their care and protection. Council believes that the safety and wellbeing of children and young people is everybody's business. In NSW, the safety of children and young people is the shared responsibility of parents and families, supported by the community, government and non-government organisations. Council staff, volunteers, partners and contractors share a commitment to the awareness, prevention and response to the suspected risk of significant harm of a child or young person. This is in adherence to the *Children and Young Persons (Care and Protection) Act 1998*. Council maintains a rigorous and consistent recruitment, screening and selection process. Council takes allegations against staff involving children and young people seriously and supports the fair and thorough investigation led by the Internal Ombudsman Shared Service. Council adopts the Office of the Children's Guardian's *Principles for Child-Safe Organisations (2017)* and the *Royal Commission Final Report Recommendations (2017)* relevant to Local Government including the *Child Safe Standards*.

PURPOSE

The purpose of this Policy is:

- To ensure Council is compliant with NSW child protection legislation, including; mandatory reporting, recruitment and selection and responding to allegations against staff involving children and young people.
- 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.

SCOPE

This policy applies to all Council staff, Councillors (Elected Members), contractors and sub-contractors, work experience participants, volunteers, students on placement, Family Day Care Educators and the adults that live in their home, facility hirers and leasees.

DEFINITIONS

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 Team: Cumberland City Council's team made up of representatives from across Council, who oversee the identification, implementation and creation of policies, procedures and actions that enables Council to meet its objectives as a Child-Safe Organisation.

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.

FaCS: Family and Community Services. FaCS 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 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 FaCS 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.

POLICY STATEMENT

Council supports children and young people having safe and happy experiences in our community, accessing our facilities and in the care of our services. Council maintains the active participation of children and young people in the organisation by involving them in decision making, particularly in matters that directly impact them. All staff, volunteers, students and persons undertaking work experience, contractors and suppliers must uphold and promote safety and wellbeing for children and young people and respond appropriately where concerns are identified. Council is committed to the ongoing education of children, young people and families, staff, volunteers, contractors and key stakeholders about their rights, responsibilities and reporting processes relating to child protection.

PRINCIPLES

This Policy reflects Council's commitment to:

- The Office of the Children's Guardian's *Principles for Child-Safe Organisations* (2017):
 - Principle 1: The organisation focuses on what is best for children.
 - Principle 2: All children are respected and treated fairly.
 - Principle 3: Children's families and communities are welcome and encouraged to participate in the organisation.
 - Principle 4: Children receive services from skilled and caring adults.
- The *Child Safe Standards* identified by the Royal Commission (2017):
 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 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 institution is child safe.
- The United Nations *Convention on the Rights of the Child* (1990).

REQUIREMENTS

- **Mandatory Reporting risk of significant harm:** Where there are concerns that a child or young person is suspected to be at risk of significant harm, staff who are 'mandatory reporters' are required to report these concerns to the Family and Community Services (FaCS) Child Protection Helpline. 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 FaCS Child Protection Helpline. The FaCS Child Protection Helpline receives reports via either telephone on PH: 132 111 or via eReporting. Mandatory reporting is outlined in the *Children and Young Persons (Care and Protection) Act 1998*.
- **Selection and recruitment:** Council will meet legal requirements to ensure that only people with valid Working with Children Checks (WWCC) are engaged in child-related work. The WWCC is an essential part of Council's recruitment process to prevent people who pose a risk to the safety of a child or young person from being employed or engaged in child-related work. Human Resources Services (HRS) manage all selection and recruitment related WWCC. This is in line with the *Child Protection (Working with Children) Act 2012* and the *Child Protection (Working with Children) Regulation 2013*.
- **Allegations against staff:** Complaints and allegations against staff, elected members, contractors and sub-contractors, work experience participants, volunteers, students on placement, Family Day Care Educators and the adults who reside in their home, facility hirers and leasees involving a child or young person will be handled in accordance with the relevant legislation, specifically Part 3A of the *Ombudsman Act 1974 (NSW)*. This mandates a specific approach to the handling and reporting of complaints about staff involving a child or young person. All allegations in relation to staff involving an individual under the age of 18 years will be immediately reported to the Internal Ombudsman Shared Service, who will in turn investigate and report the matter to the relevant oversight agency in accordance with Council's reporting obligations.
- **Child-Safe Organisation:** Council upholds and promotes the safety and wellbeing of children and young people in our community. This involves implementing best practice approaches to child protection. Council adopts the *Royal Commission Final Report Recommendations (2017)* relevant to Local Government including the Child Safe Standards. Council also supports the Office of the Children's Guardian's *Principles of Child-Safe Organisations*. Council's Child Protection Team collaborates on the identification, implementation and creation of policies, procedures and actions that enables Council to meet its objectives as a Child-Safe Organisation.

RELATED LEGISLATION

- *Advocate for Children and Young People Act 2014*
- *Child Protection (Offenders Prohibition Orders) Act 2004*
- *Child Protection (Offenders Registration) Act 2000*
- *Child Protection (Working with Children) Act 2012*
- *Child Protection (Working with Children) Regulation 2013*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Children and Young Persons (Care and Protection) Regulation 2012*
- *Commission for Children and Young People Act 1998*
- *Community Welfare Act 1987*
- *Crimes Act 1900*
- *Crimes (Domestic and Personal Violence) Act 2007*
- *Education and Care Services National Law Act 2010*
- *Education and Care Services National Regulations 2012*
- *Government Information (Public Access) Act 2009*
- *Ombudsman Act 1974*
- *Young Offenders Act 1997*

RELATED DOCUMENTS AND COUNCIL POLICY

- *Convention on the Rights of the Child (1990)*
- *Cumberland City Council Access and Equity Policy (2017)*
- *Cumberland City Council Allegations against staff guidelines*
- *Cumberland City Council Child-Safe Organisation guidelines*
- *Cumberland City Council Code of Conduct (2017)*
- *Cumberland City Council Compliments and Complaints Management Policy (2018)*
- *Cumberland City Council Compliments and Complaints Management Guidelines (2018)*
- *Cumberland City Council Mandatory Reporting of risk of significant harm guidelines*
- *Cumberland City Council Recruitment & Selection Guidelines (2016)*
- *Cumberland City Council Volunteer Policy (2017)*
- *Internal Ombudsman Shared Service Governance Charter*
- *Mandatory Reporter Guide (MRG) 2010*
- *National Framework for Protecting Australia's Children 2009–2020*
- *Office of the Children's Guardian's Principles for Child Safe Organisations (2017)*
- *Royal Commission into Institutional Responses to Child Sexual Abuse (2017)*
- *The ChildStory Reporter Community*
- *The United Nations Convention on the Rights of the Child (1990)*