

Item No: C10/18-202

ADOPTION OF CHILD PROTECTION POLICY

Responsible Division: Environment & Infrastructure
Officer: Group Manager - Children's Services
File Number: HC-02-01-54
Community Strategic Plan Goal: *A safe accessible community*

SUMMARY

The purpose of this report is to seek adoption of the revised *Child Protection Policy* following a period of public exhibition.

RECOMMENDATION

That Council adopt the revised Child Protection Policy as included under Attachment 1 of this report.

REPORT

At the Ordinary Meeting of Council held on 15 August 2018, Council resolved to place the Draft *Child Protection Policy* on public exhibition for a period of 28 days for public comment, with a report to be returned to Council following the public exhibition period.

This report outlines the submissions received during the public exhibition period and proposed amendments to the Draft *Child Protection Policy*. It also seeks Council's adoption of the revised Policy.

Overview of exhibition period and community feedback

Council publicly exhibited the *Draft Child Protection Policy* for a period of 28 days from 29 August 2018 to 26 September 2018. The documents were exhibited at:

- Council's Customer Service Centres at Merrylands and Auburn
- Council's 8 library branches
- Council's 'Have Your Say' webpage

Notification of the public exhibition period included:

- A public notice providing details of the exhibition period was advertised in local newspapers.

- Links to the Draft Policy and public exhibition period were also promoted through Council's E-news and social media platform.

The Draft Policy was also distributed for feedback and comment to:

- Council's Child Protection Team
- Council's 17 Education and Care Services
- Council's Internal Ombudsman Shared Service
- Family and Community Services (FaCS)
- The Office of the Children's Guardian

In total, Council received two submissions from members of the community, two submissions from government organisations and feedback from Council staff and contractors as well as the Internal Ombudsman Shared Service. A summary of submissions and feedback received as well as Council's responses are listed in Attachment 2. Relevant amendments were made to the *Draft Child Protection Policy* to reflect feedback and submissions.

Amendments made to the Policy include:

- Addition to the 'Introduction' a statement about child protection being a shared responsibility.
- Addition of the word 'harm' to the definition of 'abuse'.
- An amendment to the definition of 'neglect'.
- Addition and further detail added to the definition to 'risk of significant harm'.
- An amendment to the definition of 'young person'.
- Addition to the 'Policy Statement' to include a statement about Council's commitment to the education of rights, responsibilities and reporting processes relating to child protection.
- Addition to 'Principles and Related Documents' to include *The United Nation Convention on the Rights of the Child (1990)*.
- Amendment made to replace 'legislatively required' to 'required' in the 'Requirements: Mandatory Reporting risk of significant harm' section. This is due to the *Children and Young Persons (Care and Protection) Act 1998* only specifying mandatory reporting for children, not children and young people. However, as an organisation, Council can require their staff who are mandatory reporters to report both children and young people who are at risk of significant harm as best practice.
- Addition of eReporting under 'Requirements: Mandatory Reporting risk of significant harm'.
- Addition of two documents in the 'Related Legislation' section, specifically: *Children and Young Persons (Care and Protection) Regulation 2012* and *Community Welfare Act 1987*.
- Addition of two documents in the 'Related Document and Council Policy' section, specifically: *Internal Ombudsman Shared Service Governance Charter* and *Cumberland Council Compliments and Complaints Management Guidelines (2018)*.

Minor administrative changes have also been made to any reference to *the Principles of Child-Safe Organisations*, now referring to them as *Office of the Children's Guardian's Principles of Child-Safe Organisations*. Other minor grammatical and wording improvements were made.

Upon adoption of the Child Protection Policy, Council's Child Protection Team will commence the process of developing Guidelines, procedures, practices and training that will assist Council in becoming a Child Safe Organisation. The Child Protection Team is made up of staff who represent all functional areas and management levels within the Council.

COMMUNITY ENGAGEMENT

Council publicly exhibited the *Draft Child Protection Policy* for a period of 28 days from 29 August 2018 to 26 September 2018. This was advertised in local newspaper publications and the draft documents were also made available in Council Libraries, Customer Service Centres and on the Council's website.

Council received 161 visits to the 'Have Your Say' community engagement page during the public exhibition period, with 39 people downloading the Draft Policy. A total of 5 submissions were received, and a summary of these submissions is attached to this report.

In addition, Council's Child Protection Team will consider as part of the role out of the Policy the translation of the document into community languages.

There are no further consultation processes for Council associated with this report.

POLICY IMPLICATIONS

The Child Protection Policy has been prepared in accordance with Council's *Compliments and Complaints Management Policy* and relevant NSW legislation including:

- *Children and Young Persons (Care and Protection) Act 1998*
- *Child Protection (Working with Children) Act 2012*
- *Ombudsman Act 1974*

It will also support the fulfilment of the relevant recommendations from the *Royal Commission into Institutional Responses to Child Sexual Abuse (2017)* and the adoption of the Principles for Child-Safe Organisations.

The adoption of the revised *Child Protection Policy* will replace the previously adopted version of this Policy.

RISK IMPLICATIONS

There are legal and reputational risks to Council if it does not adequately respond to child protection concerns, manage the selection and recruitment of staff, and respond to allegations against staff involving children and young people.

Child protection matters must be handled in a timely manner, following specific processes, particularly when reporting to the oversight agencies. This is due to the highly legislated nature of what is required. This has been addressed in the revised Policy.

There is importantly the major risk to the lives of children, young people and families if child protection concerns are not adequately responded to and managed and if organisations have inadequate systems to support children's safety.

FINANCIAL IMPLICATIONS

There are no financial implications for Council associated with this report.

CONCLUSION

Council has publicly exhibited the *Draft Child Protection Policy*, and received five submissions as well as comments internally. The revised Child Protection Policy is now recommended for adoption.

ATTACHMENTS

1. Child Protection Policy
2. Summary of submissions received during public exhibition period