PENRITH CITY COUNCIL

POLICY DOCUMENT

POLICY NAME
Child Safe

DATE ADOPTED
TBC

REVIEW DATE
TBC

COUNCIL MINUTE NUMBER

RELATED DOCUMENTS
Including, but not limited to, Children's Guardian Act 2019 (NSW); Office of Children Guardian Reportable Conduct Fact Sheets; Children and Young Persons (Care and Protection) Act 1998 (NSW); Child Protection (Working With Children) Act 2012; Child Protection (Working with Children) Regulation 2013 (NSW); Children (Education and Care Services National Law Application) Act 2010 (NSW); Crimes Act 1900 (NSW); Recruitment, Selection and Probation Policy; Recruitment, Selection and Probation Procedure; Recruitment, Selection and Probation Guidelines; Equity, Diversity and Respect Policy; Model Code of Conduct; Child Safe Procedure; Child Safe Code of Conduct; Social Media Policy; Disciplinary Policy and Procedure; Information Communication Technology Policy; Workplace Surveillance Policy.

POLICY TYPE
Council

RESPONSIBLE DEPARTMENT
People and Culture

Definitions

Term	Definition
Assistive Technology Device	A device used to support a person's communication, independence, accessibility or health management, including technology used as a reasonable adjustment for a disability or medical condition
Child / Children	All children and young people under the age of 18 years.
Child Abuse	Any act or omission that results in actual or potential harm to a child, including physical abuse, sexual abuse, emotional or psychological abuse, neglect, grooming, exploitation or exposure to family and domestic violence.
Child Protection Concern	Any allegation, disclosure, complaint, incident, observation or other information that raises concern about the safety, welfare or wellbeing of a child or young person.
Child Safe Code of Conduct	A document that sets out the behavioural expectations for workers when interacting with children and young people and supports Council's commitment to maintaining a child safe organisation.
Child Safe Standards	The Child Safe Standards adopted in New South Wales under the Children's Guardian Act 2019, which establish the principles and requirements for creating and maintaining child safe organisations.

Child Protection Team (CPT)	The group established by Council to assess serious child protection concerns, provide governance oversight and advice, and make recommendations regarding risk controls, investigations, external notifications and organisational responses. The Child Protection Team consists of the: - Human Resources Manager - Head of People and Culture - Director Corporate Services - Head of Governance
Child-related Work	Work that falls within the meaning of child-related work under the *Child Protection (Working with Children) Act 2012* and requires a Working with Children Check, unless an exemption applies.
Contracted Service Provider	An organisation or entity contracted to provide goods, services or programs involving child-related work on behalf of, or in conjunction with, Penrith City Council, where that entity has been engaged through an informal or formal procurement process, including a Request for Quotation, Tender, Expression of Interest, or one-off or standing purchase order.
Employee (for the purposes of the Reportable Conduct Scheme)	For the purposes of the Reportable Conduct Scheme, employee includes an individual employed by Council and any volunteer or contractor captured by the relevant provisions of the *Children's Guardian Act 2019*.
Head of Agency or Delegate	The person who holds responsibility for Council's obligations under the Reportable Conduct Scheme, or a person authorised to exercise specified responsibilities on their behalf. For the purposes of the Reportable Conduct Scheme, the General Manager is Council's Head of Agency and may delegate responsibilities in accordance with legislation and Council requirements
Mandatory Reporter	A person who is required under the *Children and Young Persons (Care and Protection) Act 1998* to report suspected risk of significant harm to the Department of Communities and Justice.
People Leader	An employee with responsibility for leading, supervising or managing the work of other employees, including Team Leaders, Supervisors, Coordinators, Centre Directors and all levels of management.
Reportable Allegation	An allegation that an employee has engaged in conduct that may constitute reportable conduct.
Reportable Conduct	The following conduct, whether or not criminal proceedings have commenced or concluded: • a sexual offence with or in the presence of a child; • sexual misconduct with, towards or in the presence of a child; • ill-treatment of a child; • neglect of a child; • an assault against a child;

	• behaviour that causes significant emotional or psychological harm to a child; • or an offence under section 43B or 316A of the *Crimes Act 1900*. Reportable conduct does not include: • conduct that is reasonable for the discipline, management or care of a child, having regard to the child's age, maturity, health or other characteristics and relevant professional standards or codes of conduct; • physical force that is trivial or negligible where the matter is investigated and the outcome recorded; • or conduct exempted by the Children's Guardian.
Reportable Conviction	A conviction, including a finding of guilt without the court proceeding to a conviction, in New South Wales or elsewhere, for an offence involving reportable conduct.
Risk of Significant Harm	Circumstances where there are reasonable grounds to suspect that concerns for a child's safety, welfare or wellbeing are sufficiently serious to warrant a report to the Department of Communities and Justice.
Serious Child Protection Concern	A child protection concern that may involve reportable conduct, criminal conduct, risk of significant harm, serious or repeated misconduct, material failures in supervision or care, or another matter requiring coordinated oversight by the Child Protection Team. Where there is uncertainty about whether a matter meets this threshold, advice should be sought from a member of the Child Protection Team.
Sexual Misconduct	Conduct with, towards or in the presence of a child that is sexual in nature but is not a sexual offence. This may include descriptions of sexual acts without a legitimate reason, sexual comments, conversations or communications, or comments expressing a desire to act sexually towards a child.
Sexual Offence	An offence of a sexual nature under the law of New South Wales, another State or Territory, or the Commonwealth, committed against, with or in the presence of a child. This includes sexual touching of a child, child grooming offences and the production, dissemination or possession of child abuse material. An alleged sexual offence does not need to be the subject of criminal charges or investigation to constitute a reportable allegation.
Wearable Recording Device	Any device worn on a person's body or incorporated into clothing or eyewear that is capable of capturing, recording, storing, transmitting or live-streaming images, video or audio. For example AI Glasses, Meta Glasses or wearable cameras
Worker	Any employee, volunteer, contractor, subcontractor, consultant, agency worker, work experience student, Councillor, board member or other person engaged by, representing or working on behalf of Council.

Working with Children Check (WWCC)	A screening process administered by the NSW Office of the Children's Guardian for persons undertaking child-related work. A WWCC clearance must be verified by Council before a person commences child-related work and monitored throughout their engagement.

Purpose

This Policy establishes Council's commitment to creating and maintaining a child safe organisation where the safety, welfare, wellbeing and rights of children and young people are paramount. It provides the framework through which Council promotes a culture of safety, respect and accountability, embeds child safe practices across all operations, and ensures compliance with its legislative, regulatory and ethical obligations to protect children and young people.

The objectives of this Policy are to:

- Provide a safe, inclusive and supportive environment for all children and young people who participate in, access or are impacted by Council's services, programs and activities.
- Promote and safeguard the safety, welfare, wellbeing, dignity and rights of children and young people.
- Foster a child safe culture in which all workers understand and share responsibility for protecting children and young people from harm.
- Ensure the voices, views and experiences of children and young people are heard, respected and considered in decisions that affect them.
- Implement child safe recruitment, screening, supervision and employment practices to support the suitability of people engaged in child-related work.
- Clearly articulate the responsibilities and behavioural expectations of workers, volunteers, contractors and others engaged by Council in relation to child safety.
- Promote the early identification, reporting and management of risks to the safety and wellbeing of children and young people.
- Ensure concerns, allegations and reportable conduct matters are responded to promptly, fairly, consistently and in accordance with legislative requirements.
- Support continuous improvement and the implementation of best practice child safe standards, including recommendations arising from the Royal Commission into Institutional Responses to Child Sexual Abuse.

Policy Statement

Council has zero tolerance for child abuse and is committed to creating and maintaining a child safe organisation where the safety, welfare, wellbeing and rights of children and young people are paramount. Children and young people must be safe, respected, valued

and supported when participating in community life, accessing Council facilities or services, or engaging with Council employees, volunteers, contractors and representatives.

Council is committed to implementing and maintaining the Child Safe Standards and fostering a child safe culture characterised by:

- Respect for the rights, dignity, voices, views and experiences of children and young people.
- Shared responsibility at all levels of the organisation for promoting and protecting the safety and wellbeing of children and young people.
- Meaningful participation of children and young people in decisions that affect them and the services they access.
- Child safe recruitment, screening, supervision and employment practices that support the suitability of those engaged in child-related work.
- Proactive identification, assessment and management of risks to children and young people.
- Timely reporting, investigation and response to concerns, allegations and reportable conduct matters.
- Continuous improvement of child safe systems, practices and behaviours.

Council recognises the important role of parents, carers, families and the broader community in promoting and maintaining child safety. Council will provide accessible information about its child safe practices and encourage families and communities to participate in creating and maintaining child safe environments. Council will actively engage with these groups to support the rights, wellbeing and safety of children and young people.

Council is committed to ensuring that employees, volunteers, contractors and other representatives receive appropriate education, training and support to understand their child safe responsibilities, identify and respond to risks, and contribute to a culture where children and young people are protected from harm.

Council is committed to complying with all relevant child protection legislation, reporting requirements and regulatory obligations, including participation in the National Redress Scheme for people who have experienced institutional child sexual abuse.
Any breach of this Policy or its associated procedures may result in disciplinary action, up to and including termination of employment, engagement or service arrangements.

Scope

This policy applies to all Council employees, volunteers, agency staff and contractors, and work experience students working with or for Council, and Councillors, board members and

other relevant parties in a position of authority who share the responsibility of child safety in organisational decision-making.

This policy also applies to the management of contracted service providers and grant and sponsorship recipients delivering services involving child-related work either on behalf of or in conjunction with Council.

This policy is particularly relevant to individuals undertaking child-related work, or whose role involves contact with children and young people. This may include, but is not limited to, positions in the following areas: Preschools and Long Day Care Centres; Out of School Hours and Vacation Care services; Mobile Playvan Services, Libraries and Home Library Services; Swimming pools; Recreation and Leisure Facilities, Youth centres; Art galleries and Performing Arts Centres.

Responsibilities

Responsibility for creating and maintaining a child safe environment rests with all persons engaged by Council, with additional responsibilities applying to those in leadership, governance, oversight and child-related roles. The responsibilities outlined below support Council's child safe culture and provide accountability for the prevention, identification, reporting and management of child protection concerns.

Head of Agency or Delegate must:

- Ensure the governance framework and internal systems support the prevention, handling and response to allegations or convictions of reportable conduct against employees;
- Notify the Office of the Children's Guardian of any reportable allegation or conviction within the required timeframe;
- Investigate and ensure the proper documentation of an investigation into any reportable allegation, whether or not the allegation was proven. This responsibility applies regardless of any requirement for disposal of the record that may exist elsewhere;
- Determine what disciplinary action, if any, will be taken against the employee after the initial investigation has been completed; and
- Notify the Office of the Children's Guardian as to the outcome and action taken, as required.

Directors and People Leaders must:

- Understand and comply with this Policy and its associated procedures.
- Promote and model child safe behaviours and actively embed a child safe culture within their areas of responsibility.

- Ensure employees are provided with appropriate education, training, information and support to understand and fulfil their child safe responsibilities.
- Proactively identify, assess and address risks to the safety, welfare and wellbeing of children and young people.
- Regularly discuss child safe expectations, behavioural standards and professional boundaries with employees.
- Ensure any child protection concern, reportable allegation or reportable conviction is reported and escalated in accordance with this Policy and associated procedures.
- Treat all child protection matters seriously, confidentially, impartially and in a timely manner.
- Cooperate with and support child protection enquiries, investigations and reviews.
- Determine positions associated with child-related work and ensure appropriate child safety screening requirements are identified and maintained.
- Notify the People and Culture Department prior to engaging any non-Council employee involved in child-related work to enable any required verification checks to be undertaken.
- Implement and monitor any corrective actions, recommendations or control measures arising from child protection matters, investigations or reviews. This aligns with the responsibilities described in the Procedure following investigation outcomes.
- Consider opportunities for children and young people to participate in decisions that affect them and take their views, experiences and feedback into account, where appropriate, when designing, delivering and reviewing services, programs and activities.
- Apply child safe recruitment practices when recruiting to positions involving child-related work, including ensuring appropriate screening, reference checking and verification requirements are completed prior to engagement.

Child Protection Team:

The Child Protection Team (CPT) is responsible for providing governance oversight and advice in relation to serious child-related matters, reportable allegations, reportable convictions and other significant child protection concerns. The CPT provides strategic oversight and advice and does not replace the statutory responsibilities of the Head of Agency, mandatory reporters or other workers.

The CPT is responsible for:

- Assessing reported child protection matters and determining appropriate next steps.
- Determining whether further enquiries, investigations or notifications to external agencies may be required.
- Ensuring the Head of Agency is informed of reportable allegations where required.

- Providing oversight and guidance regarding investigations involving reportable allegations and other serious child protection matters.
- Considering risks to children and implementing appropriate actions to safeguard the safety, welfare and wellbeing of children and young people.
- Identifying and escalating any procedural, operational or systemic issues arising from child protection matters.
- Making recommendations to strengthen Council's child safe practices and compliance with legislative and regulatory obligations.

The Child Protection Team consists of the:

- Human Resources Manager
- Head of People and Culture
- Director Corporate Services
- Head of Governance

Other relevant officers, subject matter experts or advisers may attend meetings to provide information or specialist advice as required. A quorum of two members is required for the CPT to meet and make recommendations

The CPT does not replace operational management of incidents by service areas or the responsibilities of Directors, People Leaders, Mandatory Reporters or the Head of Agency. Immediate actions required to protect children, manage operational risks or comply with legislative obligations must occur without delay.

<u>Employees must:</u>

- Understand and comply with this Policy, its associated procedures and the Child Safe Code of Conduct.
- Seek information, guidance and support where required to understand and meet their child safe responsibilities.
- Take all reasonable steps to reduce, remove and mitigate risks to the safety, welfare and wellbeing of children and young people.
- Promote and uphold the rights, participation and wellbeing of children and young people in all interactions and activities.
- Immediately report to the Child Protection Team any reportable allegation, reportable conviction or other serious child protection concern of which they become aware.
- Take appropriate action where they witness suspected reportable conduct by a Council employee or receive information that may indicate reportable conduct has occurred.
- Understand that the establishment of the Child Protection Team does not remove any mandatory reporting obligations that may apply under the Children and Young Persons (Care and Protection) Act 1998.

- Cooperate with any child protection enquiry, investigation or review.
- Maintain confidentiality in relation to child protection matters, except where disclosure is required by law or authorised by Council.
- Participate in child safe training and education as required by Council.

Where a role is identified as child-related, employees must also:

- Obtain and maintain a current Working with Children Check (WWCC) clearance and provide the required information to Council for verification.
- Notify Council of any change to their WWCC status.
- Be aware that employees who do not hold a current WWCC clearance, or who are barred from working with children, cannot continue to undertake child-related work and their employment may be terminated.

Volunteers, Contractors and Work Placement Students must:

- Understand and comply with this Policy, its associated procedures and the Child Safe Code of Conduct.
- Conduct themselves in a manner that promotes and supports the safety, welfare and wellbeing of children and young people.
- Seek information, guidance and support where required to understand and fulfil their child safe responsibilities.
- Immediately report any reportable allegation, reportable conviction or other serious child protection concern of which they become aware.
- Take appropriate action where they witness suspected reportable conduct, or receive information that may indicate a child is at risk of harm or a worker may have engaged in reportable conduct.
- Cooperate with any child protection enquiry, investigation or review conducted by Council or an external authority.
- Maintain the confidentiality and privacy of child protection matters, except where disclosure is required by law.
- Obtain and maintain a current Working with Children Check (WWCC) clearance where required for their role and provide the necessary details to Council for verification.
- Notify Council of any change to their Working with Children Check status that may affect their eligibility to undertake child-related work.
- Be aware that individuals who are required to hold a Working with Children Check and do not have a current clearance, or are barred from working with children, cannot continue to perform child-related work and their engagement with Council may be terminated.

People and Culture Department must:

- Provide advice, guidance and support to People Leaders, employees and the Child Protection Team regarding this Policy, its associated procedures and Council's child safe obligations.
- Support People Leaders to identify and regularly review positions that involve child-related work and ensure appropriate child safety requirements are applied.
- Monitor child safe recruitment, screening and onboarding practices to minimise the risk of unsuitable persons undertaking child-related work.
- Ensure that all applicants for child-related positions undergo the required employment screening, including verification of Working with Children Check clearances and any other relevant pre-employment checks.
- Maintain systems and records relating to Working with Children Check clearances, including verification dates, expiry dates, renewal requirements and any relevant notifications from the Office of the Children's Guardian.
- Monitor ongoing compliance with Working with Children Check requirements and support the timely management of expired, barred or interim-barred clearances.
- Support the Child Protection Team, People Leaders and investigators in managing child protection matters, reportable allegations and reportable conduct investigations.
- Coordinate and maintain appropriate records in relation to reportable allegations, investigations, outcomes and regulatory reporting obligations in accordance with legislative requirements and Council's records management practices (where required)

Councillors and Board Members must:

- Understand and comply with this Policy, its associated procedures and the Child Safe Code of Conduct.
- Promote and support a child safe culture through governance, leadership, oversight and decision-making activities.
- Consider the safety, welfare and wellbeing of children and young people when exercising governance, strategic planning and oversight responsibilities.
- Ensure child safety risks, concerns and emerging issues are appropriately considered and managed within their area of responsibility.
- Immediately report any child protection concern, reportable allegation or reportable conviction of which they become aware.
- Cooperate with any child protection enquiry, investigation or review.
- Complete child safe training as required by Council.

Contracted Service Providers, Grant Recipients and Sponsorship Recipients must:

- Comply with this Policy and the Child Safe Code of Conduct, or maintain equivalent child safe policies, procedures and behavioural standards approved by Council.
- Ensure personnel engaged in child-related work understand and fulfil their child safe responsibilities.

- Maintain appropriate child safe systems, controls and practices relevant to the services, activities or programs being delivered.
- Ensure required Working with Children Check clearances and other legislative obligations are met where applicable.
- Report child safety concerns, reportable allegations or other serious child protection matters arising in connection with services delivered on behalf of, funded by, sponsored by or undertaken in conjunction with Council.
- Cooperate with any child protection enquiry, investigation, audit or review conducted by Council or a relevant authority.

Reporting

All child protection concerns, including allegations, disclosures, complaints and suspected reportable conduct, must be reported, assessed and managed in accordance with applicable legislation and Council's Child Safe Procedure.

Concerns about the safety, welfare or wellbeing of a child or young person, including suspected reportable conduct, should be raised as soon as practicable to ensure appropriate action can be taken and any reporting obligations can be considered. Matters will be managed in a manner that is timely, fair, confidential and proportionate to the nature of the concern.

Employees, volunteers, contractors and work placement students will be provided with information and training to assist them to recognise, respond to and report child protection concerns. Children, young people, families and the community will have access to appropriate mechanisms to raise concerns, make complaints and report suspected abuse, harm, neglect or reportable conduct.

Standards of Behaviour

Council has a Child Safe Code of Conduct which forms part of Council's Child Safe Framework. All workers must comply with the Child Safe Code of Conduct and maintain appropriate professional boundaries when interacting with children and young people.

Child Safe Recruitment

Council is committed to applying child safe recruitment practices to positions involving child-related work. Recruitment processes will be designed to assess an individual's suitability to work with children and young people and may include:

- Verification of Working with Children Check clearances.
- Reference checks.
- Pre-employment screening.
- Assessment of behavioural suitability.

- Ongoing monitoring of compliance with child safe requirements.

Wearable Recording Devices and Child Safety

Council recognises that some wearable technologies, including smart glasses and other devices capable of discreet photography, video recording, audio recording or live streaming, may create additional privacy, safeguarding and child safety risks in certain environments.

To protect the safety, dignity, privacy and wellbeing of children and vulnerable persons, wearable recording devices, including smart glasses, AI-enabled glasses and other devices capable of capturing images, video or audio, are prohibited within a number of Council facilities and locations. These prohibited areas include, but are not limited to:

- Childcare Centres;
- Out of School Hours Care (OSHC) and Vacation Care Services;
- Public swimming pools, aquatic centres and aquatic facilities;
- Recreation and leisure centres;
- Public toilets;
- Change rooms and family change facilities; and
- Libraries.

Council may designate additional locations as restricted wearable recording device areas where there may be an increased risk to the safety, wellbeing, dignity or privacy of children or vulnerable persons.

Persons must not bring, carry, wear, possess or otherwise have a wearable recording device with them within a prohibited area unless they have demonstrated, to the satisfaction of the General Manager, that the device is required to support accessibility, disability support or medical needs and that it will be used solely for that purpose.

Council may implement control measures including signage, conditions of entry, education, requests to remove or disable devices, and other reasonable measures to support compliance with this requirement.