

CHILD SAFE POLICY

1. PURPOSE

Tamworth Regional Council (“Council”) is committed to creating and maintaining an environment that is committed to the care, protection and safeguarding of children. Council has zero tolerance of child exploitation and abuse in our organisation. The purpose of this Policy is to assist Council in preventing and responding to any child safety concerns by embedding the NSW Child Safe Standards across its functions, programs and organisational leadership and culture. This policy also informs employees, students, trainees, apprentices, volunteers, contractors and Councillors on their legal and duty of care obligations and responsibilities in relation to the safety, wellbeing and empowerment of children.

2. COMMENCEMENT OF THE POLICY

2.1 This Policy will commence from March 2024, in accordance with Government regulations. It replaces Council’s Child Protection Policy.

3. APPLICATION OF THE POLICY

3.1 This Policy may be varied from time to time by Council.

3.2 This Policy applies to all workers defined as full time, part time, temporary and casual employees, Councillors, students, trainees, apprentices, contractors including agency staff, work experience participants and volunteers engaged in child related work or activities that relate to children.

3.3 Where there is a breach of this Policy, counselling and/or disciplinary action will occur, which could result in termination of employment for acts of serious misconduct. Criminal charges may also result under relevant Legislation.

4. DEFINITIONS

Term	Definition
Abuse	There are different forms of child abuse as defined by the Department of Communities & Justice: <ul style="list-style-type: none"> • Neglect • Sexual Abuse • Physical Abuse • Emotional Abuse
Child	For the purpose of this policy, a Child is a person aged 0-18 years
Child Safety Law	Includes, as updated from time to time, the following legislation: <ul style="list-style-type: none"> • Child Protection (Working with Children) Act 2012 (NSW) • Child Protection (Working with Children) Regulation 2013 (NSW) • Children and Young Persons (Care and Protection) Act 1998 (NSW) • Children’s Guardian Act 2019 (NSW) • Children (Education and Care Services National Law Application) Act 2010 (NSW)
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.

<p>Child-Related Work</p>	<p>(1) A worker is engaged in child-related work for the purposes of the Child Protection (Working with Children) Act 2012 if:</p> <p>(a) 1. The worker is engaged in work that involves direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to the work. The work referred to is work for, or in connection with, any of the following that is declared by the regulations to be child-related work:</p> <ul style="list-style-type: none"> (a) child development mentoring and counselling services for children, (b) child protection child protection services, (c) children’s health services the provision of health care in wards of hospitals where children are treated and the direct provision of other child health services, (d) clubs or other bodies providing services for children clubs, associations, movements, societies or other bodies (including bodies of a cultural, recreational or sporting nature) providing programs or services for children, (e) disability services respite care or other support services for children with a disability, (f) early education and child care education and care services, child care centres, nanny services and other child care, (g) education schools or other educational institutions (other than universities) and private coaching or tuition of children, (h) entertainment for children sporting, cultural or other entertainment venues used primarily by children and entertainment services for children, (i) justice services detention centres (within the meaning of the <i>Children (Detention Centres) Act 1987</i>) and juvenile correctional centres (within the meaning of the <i>Crimes (Administration of Sentences) Act 1999</i>), (j) religious services any religious organisation, (k) residential services refuges used by children, long term home stays for children, boarding houses or other residential services for children and overnight camps for children, (l) transport services for children transport services especially for children, including school bus services and taxi services for children with a disability and supervision of school road crossings, (m) other any other service for children prescribed by the regulations. <p>(b) 2. The worker is engaged in work in a child-related role as listed below:</p>
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	<p>(a) an approved provider or manager of an education and care service,</p> <p>(b) a nominated supervisor (within the meaning of the <i>Children (Education and Care Services) National Law (NSW)</i> of an education and care service,</p> <p>(c) an authorised carer,</p> <p>(d) an assessment officer (within the meaning of section 27A of the <i>Children and Young Persons (Care and Protection) Act 1998</i>),</p> <p>(e) the principal officer of a designated agency,</p> <p>(f) the principal officer of an accredited adoption service provider,</p> <p>(g) any other role with respect to children prescribed by the regulations.</p> <p>3. The regulations may provide for circumstances in which direct contact by a worker with a child or children is taken to be a usual part of and more than incidental to a worker's work.</p> <p>(2) In this section Direct contact with children means—</p> <p>(a) physical contact, or</p> <p>(b) face to face contact.</p>
DCJ	The NSW Department of Communities and Justice. DCJ is the NSW Government agency responsible for the care and protection of children and young people
Contracted Service Provider	<p>A third party contracted to provide goods, services or programs on behalf of or with Council. The Contracted Service Provider could be</p> <ul style="list-style-type: none"> • an organisation (including for profit and not for profit organisations, private companies or government entities); or • a sole trader - a business run by one person that is either run in the sole trader's own name or a separate business name.
Head of Relevant Entity	The Head of Relevant Entity is the primary person responsible for the executive decision-making in the organisation. The Head of a Relevant Entity has specific responsibilities and obligations under the Reportable Conduct scheme.
Hiring Manager	The Council Worker who plans, assesses and appoints candidates to vacant positions in line with Council's Recruitment and Selection Policy.
Incidental work with children	Working on an activity where contact with children is not planned or expected but may occur by chance.
Mandatory Reporter	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. Mandatory Reporters are required by law to report suspected child abuse and neglect to government authorities. 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 (MRG). 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.

<p>Relevant Entity</p>	<p>Organisations that fall under the Reportable Conduct Scheme are called 'relevant entities' under the Children's Guardian Act 2019. Organisations that fall under the Scheme are called 'relevant entities'. There are three different types of relevant entity:</p> <ul style="list-style-type: none"> • Schedule 1 entities • Public authorities • Religious bodies <p>Council as a local government authority is considered a 'public authority'. When the term 'employee' is used by the Scheme, for public authorities this includes:</p> <ul style="list-style-type: none"> • employees of the public authority; • any volunteer who is engaged to provide services to children; • any contractor who holds, or is required to hold, a WWCC for the purposes of their engagement with the public authority; • the head of a third-party employer contracted to provide services to children on behalf of the public authority, if the individual holds or is required to hold a WWCC; and • if the public authority is an individual, the individual. <p>The public authority needs to notify the OCG of any work-related reportable allegations or convictions against their employees. Public authorities must also notify the OCG of reportable allegations or convictions that happen outside of work where the employee, volunteer or contractor is required to hold a WWCC for their work with the public authority.</p>
<p>Risk of Significant Harm</p>	<p>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 DCJ via the Child Protection Helpline.</p>
<p>Reportable Allegation</p>	<p>A reportable allegation is an allegation that an employee has engaged in conduct that may be reportable conduct.</p>
<p>Reportable Conduct</p>	<p>Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:</p> <ol style="list-style-type: none"> a. a sexual offence; b. sexual misconduct; c. ill-treatment of a Child; d. neglect of a Child; e. an assault against a Child; f. failure to reduce or remove the risk of a Child becoming a victim of abuse or concealing Child abuse; or g. behaviour that causes significant emotional or psychological harm to a Child.

	The Reportable Conduct Scheme oversees investigations conducted by relevant organisations when an allegation of reportable conduct is made against an employee. The Children's Guardian Act 2019, includes responsibility for the Reportable Conduct Scheme with oversight by the Office of the Children's Guardian.
Reportable Conviction	A reportable conviction means a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.
Wellbeing	In the context of Child safety, wellbeing means keeping the Child in focus when making decisions about their lives and working in partnership with them and their families to ensure they receive the care and services which support all the different dimensions of their lives.
Worker	Accordingly to Safe Work NSW, anyone who performs paid work in any capacity for an employer, business or organisation is considered a worker. However, the term can also include unpaid workers such as volunteers or work experience students. A Worker for the purposes of this policy is: <ul style="list-style-type: none"> • an employee • a trainee, apprentice or work experience student • a volunteer • an outworker • a contractor or sub contractor • an employee of a contractor or sub contractor • an employee of a labour hire company; • a Councillor.
Working with Children	Working with children means being engaged in an activity with a child where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity. Working includes volunteering or other unpaid works.
Working With Children Check (WWCC)	Working with Children Check. The WWCC is a requirement for anyone over the age of 18 years old 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. https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-withchildren-check

5. POLICY CONTENT

5.1 Council's commitment to child safety

Tamworth Regional Council is committed to creating and maintaining an environment that promotes the care, protection and safety of children. This is done in accordance with the four pillars of Respect, Protect, Culture and Compassion as outlined in Council's [Commitment to Child Safety Statement](#).

5.2 Designated Child-Related Employment Positions

Council has a legal obligation to comply with the working with children compliance program. Council has positions currently designated as child-related employment positions, or positions that are considered to have potential for incidental contact with children in which Working With Children Checks are required to be undertaken. Incidental contact with children means working on an activity where contact with children is not planned or expected but may occur by chance. The General Manager of Council as the Head of a child safe organisation is required to hold a Working with Children Clearance as per the Child Protection (Working with Children) Regulation 2013. Further information on positions designated as child-related is located on the People & Culture section of Council's Intranet.

It is against the law to engage anyone in child-related work without a Working with Children Check. Workers in child-related roles with a Working with Children Check status of "Barred" or "Interim Barred" may face disciplinary procedures up to and including termination of employment. Refer to Council's [Working with Children Check Verification & Monitoring Procedure](#) for further information.

5.3 Child Safety – Professional behaviours

All workers engaged in child related work or activities that relate to children are expected to adhere to the following behaviour at all times while they perform those duties:

- a. treat children and young people with respect;
- b. actively promote cultural safety and inclusion;
- c. listen to children and respond to them appropriately including taking a child seriously if they disclose harm or abuse;
- d. act as positive role models in their conduct with children and young people;
- e. avoid any unnecessary physical contact with a child or young person;
- f. adhere to all relevant Australian and NSW legislation and Council's child safe policies and procedures; and
- g. participate in all compulsory training.

5.4 Photographing or filming a child or children for work related purposes

When photographing or filming a child or children for work related purposes:

- a. obtain informed consent from the child whenever possible and parent or guardian of the child before photographing or filming a child. An explanation of how the photograph or film will be used must be provided. A signed Council Photography/Videography Release Form must be completed prior to any imagery being used;
- b. ensure images are honest representation of the context and the facts; and
- c. ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.

5.5 Recruitment and Selection

Council will ensure that all workers engaged in child related work or who have incidental contact with children are put through an appropriate recruitment screening process in

accordance with Council's [Recruitment & Selection Policy](#). This will include referee checks and Working with Children Checks which are consistent with Council's commitment to child safety.

5.6 Training

Child safety is everyone's responsibility. All workers will be provided appropriate training and/or induction to ensure they understand Council's commitment to child safety and their role in keeping children safe. The training, to be conducted regularly, will focus on the following:

- Council's commitment to child safety;
- outline the requirements and process for mandatory reporting and handling complaints and/or allegations; and
- ensure understanding of the requirements of a child safe environment.

Workers as part of their online Induction to Council will be provided information about the requirements of this Policy and their responsibilities.

5.7 Mandatory Reporting

Refer to Section 4 for the definition of a Mandatory Reporter.

The Mandatory Reporter Guide (MRG) is used to help determine when and what should be reported. Workers who are not mandatory reporters, as well as community members can also report the suspected risk of significant harm to the Child Protection Helpline on 132 111.

Council will provide relevant workers with training on Mandatory Reporting which will inform them about their responsibilities when working in an agency that has Mandatory Reporting obligations. It is the responsibility of Managers to ensure their workers undergo Mandatory Reporting training.

5.8 Risk Management Plans

Identifying risks to children and implementing controls to mitigate and prevent these risks is an essential aspect in keeping children safe. Risk Management Plans specific to Child Safety will document how the safety and wellbeing of children participating in activities delivered by Council are managed. The plans will address the following risk factors:

- People (including culture): The attitudes, behaviour and conduct of people who come into contact with or work with children and the unique vulnerabilities of children with whom we have regular contact.
- Processes: used by Tamworth Regional Council.
- Systems: Tamworth Regional Council systems or other systems used through Council's IT systems that are accessed and used to provide services to children.
- Physical Environment: Features of the physical environment, such as spaces with poor line of sight and surveillance, and of the online environment, such as direct, unsupervised and one-on-one contact with children, that may contribute to the likelihood of a child being groomed, harmed or abused.

Local Child Safety Risk Management Plans will address risks factors associated with the unique physical environment in which our services are delivered. Local Child Safety Risk Management Plans are required for:

- each individual Council staffed facility where children attend;

- 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 workers delivered outside of a staffed Council facility, where children are expected to attend or be present; and
- any online programs where children can interact with Council workers and other members of the community.

Child Safety Risk Management Plans will be reviewed following any incident and at least annually.

5.9 Stakeholder Engagement

Council is committed to providing children with genuine and meaningful opportunities to participate in decisions that affect them. This will empower children to provide feedback on how services are provided and how Council can help children feel safe.

Council will ensure families and communities are engaged about its child safety approach and ensure relevant information is accessible. Council will also ensure families are informed about Council's operations and governance including the mechanisms for providing feedback on services and how to raise issues of concern.

5.10 Complaints Management

All workers should be confident that complaints will be dealt with honestly and fairly. Information detailing how a child, family member, community member or staff member can make a report or complaint is located in Council's [Complaint Management Procedure](#).

5.11 Confidentiality and Records Management

Confidentiality will be maintained for all records and information relating to child safety and child protection matters in accordance with the Privacy Act 1988 (Commonwealth) and Council's Records Management Policy. All complaints are recorded on Council's Allegations/Interview Records Form and Complaint Form and are stored securely in Council's electronic records management system and health and safety portal with access limited to the General Manager, Chief People Officer and Manager, Risk & Safety. The privacy of those involved is maintained by Council in accordance with our obligations under the Privacy and Personal Information Protection Act 1998. It should be noted that information may be exchanged under Chapter 16A of the Child and Young Persons (Care and Protection) Act 1998 with other agencies who have responsibilities relating to the safety, welfare or wellbeing of children or young persons.

6. MANAGERIAL RESPONSIBILITIES

6.1 It is the responsibility of Managers to champion the principles of Child Safety in their workplaces. This can be achieved by:

- ensuring workers are aware of and comply with policies including mandatory reporting;
- creating a culture that champions Council's overall value of health and safety as well as child safety and wellbeing;
- ensuring relevant workers undergo Mandatory Reporting training;
- reviewing all workplace practices and employment conditions to comply with child protection legislation; and
- dealing with complaints quickly, confidentially and effectively.

7. WORKERS RESPONSIBILITIES

7.1 It is the responsibility of workers to ensure their own behaviour and actions comply with the Child Safe Policy including:

- adhering to Tamworth Regional Council policies and the Code of Conduct;
- undertaking induction and training when assigned
- seeking the appropriate advice regarding a suspicious or actual behaviour towards a child occurring including looking to management for advice;
- adhering to mandatory reporting requirements including maintaining confidentiality of sensitive information; and
- signing receipt and acknowledgement of the Policy.

VARIATIONS

Council reserves the right to review or, replace this Policy from time to time.

ASSOCIATED DOCUMENTS

- 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 (NSW)
- 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
- Privacy and Personal Information Protection Act 1998 (PPIP)
- NSW Child Safe Standards
- Royal Commission into Institutional Responses to Child Sexual Abuse (2017)
- The United Nations Convention on the Rights of the Child (1990)
- Applicable Local Government Award
- Tamworth Regional Council Code of Conduct
- Tamworth Regional Council Recruitment and Selection Policy
- Tamworth Regional Council Employee Assistance Program Policy
- Tamworth Regional Council Performance and Misconduct Policy (For Award Covered Staff)
- Tamworth Regional Council Performance and Misconduct Policy (For Senior Staff other than the General Manager)
- Tamworth Regional Council Working with Children Check Verification & Monitoring Procedure
- Tamworth Regional Council Complaint Management Procedure
- Tamworth Regional Council Changing Jobs Policy

- The Youthie Policy and Procedures Manual
- Year Round Care Policy Manual

POLICY VERSION AND REVISION INFORMATION

Policy Authorised by: Paul Bennett
Title: General Manager

Original issue: November 2023

Policy Maintained by: Marie Resch
Title: Chief People Officer

Current version: 1, November 2023

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♦ HISTORY – Policy replaces Child Protection Policy.
Child Safe Policy resolved at Council Meeting 12 December 2023, Minute Number 344/23. Adopted March 2024