

CITY OF  
CANADA BAY  
COUNCIL

# CHILDREN AND YOUNG PERSONS PROTECTION POLICY

Date of Adoption: 7 March 2024

Effective Date: 7 March 2024

## Contents

1. Policy .....	4
1.1 Purpose and commitment .....	4
1.2 Child Safe Standards .....	5
1.3 Scope.....	5
2. Definitions .....	6
3. Prohibited Conduct .....	8
3.1 Prohibited Conduct.....	8
3.2 Sexual behaviour .....	8
4. Code of Conduct/Standards of practice for interacting with Children .....	8
4.1 Use of language and tone of voice .....	8
4.2 Positive guidance (Discipline).....	8
4.3 Respecting Children’s Rights & engaging Children in decision making .....	9
4.4 Supervision .....	9
4.5 Use of electronic or online communications .....	9
4.6 Photographs of Children.....	10
4.7 Physical contact with Children .....	10
4.8 Overnight stays and sleeping arrangements .....	11
4.9 Change room arrangements.....	11
4.10 Use of, possession or supply of alcohol or drugs.....	11
4.11 Parent/Guardians: .....	11
4.12 Professional boundaries .....	11
4.13 Transporting Children.....	12
4.14 Drop off and pick up of Children .....	12
4.15 Situational Prevention Techniques .....	12
4.16 Volunteers and Contractors.....	12
5. Reporting .....	13
5.1 Internal Reporting Procedures.....	13
5.2 Reportable Conduct .....	13
5.3 Mandatory Reporting Risk of Significant Harm .....	14
6. Recruitment, Screening and Training .....	14
6.1 Child-Related Positions .....	15
6.2 Position Descriptions.....	15
6.3 Working with Children Checks.....	15
6.4 Advertising .....	15
6.5 Interviews.....	16
6.6 Reference checks .....	16
6.7 Employment of Children .....	16

6.8 Training ..... 17

7. Procedural Fairness and Confidentiality ..... 17

8. Relevant legislation and additional resources ..... 17

9. Policy Information ..... 21

# 1. Policy

## 1.1 Purpose and commitment

City of Canada Bay (Council) is committed to safeguarding Children in our care, ensuring that they feel, and are, safe, and by ensuring that everyone involved in Council is educated and informed of their responsibilities to protect and look after Children.

Council's Children and Young Persons Protection Policy has been developed to identify and prevent behaviour that may be harmful to Children. All Children have the right to feel safe and protected from all forms of abuse, harm, and neglect. Children have the right to a safe, positive, and enjoyable environment.

This policy is guided by Council's Child Safe Commitment Statement:

*The City of Canada Bay is a Child Safe Community that recognises and advocates for the rights of children and young people. Our policies and procedures aim to reduce the likelihood of harm to children, and to increase the likelihood of identifying and reporting harm, and responding appropriately to disclosures, allegations, or suspicions of harm.*

*We believe that it 'takes a village to raise a child' and that protecting the vulnerable in our community is everybody's responsibility, including parents and families, the greater community, non-government organisations and government organisations such as Local Councils. The City of Canada Bay is committed to the recruitment and training of its staff in being aware of potential issues, seeking to prevent harm and responding appropriately to suspected risks posed to children and young people.*

*This includes all staff, volunteers, contractors, and partners in the work of the City of Canada Bay. We support the UN Declaration on the Rights of the Child and adhere to the Children and Young Person (Care and Protection) Act 1998 and the Children's Guardian Act 2019. This is supported by the NSW Office of the Children's Guardian Child Safe Principles as implemented through the Child Safe Standards and the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse Final Report 2017.*

As such this Policy is part of Council's preventative approach to upholding its commitment to being a Child Safe Organisation and ensuring compliance with all obligations under the NSW Child Protection Legal Frameworks and the NSW Child Safe Standards are actively met, guiding our decisions in relation to working with, and providing programs for children from the community.

A Child Safe Organisation is one that systematically:

- creates conditions to reduce the likelihood of children being harmed.
- creates conditions that increase the likelihood of identifying and reporting harm.
- responds appropriately to disclosures, allegations, and suspicions of harm.

To help keep children safe, we need to ensure our child safe reporting practices remain effective. Everyone in our organisation must:

- know **what** to report, **who** to report it to and **how** to report it.
- **report** any concerns about the safety or welfare of a child or young person immediately.
- feel **confident** that concerns and allegations will be dealt with honestly and fairly.
- feel **confident in reporting** unacceptable behaviour around children and young people to ensure the safety and wellbeing of the child is paramount when an allegation is made.

Council will ensure the following commitments are upheld to build upon and strengthen Council as a Child Safe Organisation:

- Conduct risk assessments for all Direct and Indirect child-related services, including community events (see Appendix B)
- Support and promote Council's Child Safe Working Group
- Ensure all Employees undergo induction and ongoing training on Child Safety
- Ensure all Employees adhere to Council's Child Safe Code of Conduct (see Appendix C)

## 1.2 Child Safe Standards

This Policy reflects Council's commitment to the NSW Child Safe Standards:

- Child safety is embedded in organisational leadership, governance, and culture
- Children participate in decisions affecting them and are taken seriously
- Families and communities are informed and involved
- Equity is upheld and diverse needs are taken into account
- People working with children are suitable and supported
- Processes to respond to complaints of child abuse are child-focused
- Staff are equipped with the knowledge, skills, and awareness to keep children safe through continual education and training
- Physical and online environments minimise the opportunity for abuse to occur
- Implementation of the Child Safe Standards is continuously reviewed and improved
- Policies and procedures document how the organisation is child safe.

## 1.3 Scope

This policy applies to all Council employees (including casuals), Councillors (Elected Members), work experience participants, students, volunteers, consultants, contractors and sub-contractors and facility hirers who work in or utilise Council buildings and facilities used by children or by the general public or those who provide services to the community that receive funding in whole or part from Council.

This policy replaces the Child and Young Person Protection Policy 2023.

Council's Children and Young Persons Protection Policy seeks to ensure that everyone involved in Council activities are aware of their rights and responsibilities in relation to Children and, through the Child Safe Code of Conduct, sets out the standards of behaviour expected of those involved in working with Children and the behaviours that are not acceptable ('Prohibited Conduct').

This Policy imposes obligations on Council in relation to responding to allegations of Prohibited Conduct, including reporting suspected Child Abuse to the appropriate authorities and to implement a commitment to child-safe practices, including recruitment and screening of staff and volunteers.

An Employee of Council must always:

- comply with the requirements of Responding to Child Abuse Allegations in Appendix A
- report any concerns or allegations of Prohibited Conduct
- provide true and accurate information during Recruitment and Screening
- comply with all obligations that they are subject to under the NSW Child Protection Legislation.

Council aims to create and maintain an inclusive, child-safe environment that is understood, endorsed, implemented, and adhered to by everyone involved in Council. To build capability as a Child Safe Organisation Council will:

- ensure the Child Safe Standards are implemented in meaningful and achievable ways.
- conduct risk assessments for all Direct and Indirect Child-related services, including community events.
- support and promote Council's Child Safe Working Group.

- ensure Council's Child Safe Code of Conduct is prominently displayed.
- provide Employees with training opportunities so they understand the processes for raising concerns and allegations, including induction and ongoing training on Child Safety.
- create and promote age and ability appropriate programs for children that explain what do if they feel sad, angry, or concerned.
- hold information sessions about Council's Child Safe Policies and how they apply to families, Employees and Children

## 2. Definitions

**Abuse** means any type of abuse (including physical, emotional or psychological, sexual, and inappropriate use of power) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in person or as the result of a publication viewable by any other person by any means.

**Activity** means any Council action that involves any interactions and working with children.

**Child Protection Legislation** means NSW child protection legislation as amended from time to time.

**Bullying** means a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing.

**Child** means a child or young person who is under the age of 18 years.

**Child Protection Officers:** Council's Child Protection Officers are nominated employees who are the primary contact for any concerns related to working with Children.

**Child-related employment:** Employment that primarily involves direct contact with children and young people in a child related sector, or work in a stipulated, child – related role (Part 2, Section 6 of the Child Protection (Working with Children) Act 2012). Council identified key positions that have direct contact with children and young people to which this policy is particularly relevant includes, but is not limited to:

- Child Care Centre employees
- Library Service employees
- Leisure Centre employees
- Employees participating in regular external local events and programs which involve children.
- Community users and facility hirers for child-related activities in or on Council property.

**Child Safe Commitment** refers to Council's commitment to being a Child Safe Organisation.

**Direct/Indirect Child-related services.** Direct services are services provided by Council where the work normally involves being face to face with Children and where contact with Children is more than incidental to the work. This includes Children Services, libraries, and recreational facilities. Indirect Services are services where the work does not have more than incidental contact with the children.

**Direct Discrimination** is when a person or group of people is treated less favourably than another person or group, because of a personal characteristic.

**Grooming** refers to the process by which an adult establishes a trusting relationship with a child and those associated with the child's care and wellbeing, to create an environment in which abuse can occur.

**Harassment** means any type of behaviour towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment.

**Indirect Discrimination** is when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share, where such personal characteristic is protected by applicable anti-discrimination legislation.

**LGBTQIA+** is an evolving acronym that stands for lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual and includes any other terms (such as non-binary and pansexual) that people use to describe their experiences of their gender, sexuality, and physiological sex characteristics.

**Misconduct** with a Child means any behaviour involving a Child that is objectively age inappropriate and/or places the Child at risk of harm.

**Physical abuse** includes physical punishment such as pushing, shoving, punching, slapping, and kicking, resulting in injury, burns, choking or bruising.

**Policy** refers to the Child Safe Practice Policy, including any appendices.

**Prohibited conduct** means conduct in breach of Section 4 of this Policy.

**Psychological abuse** includes bullying, threatening and abusive language, intimidation, shaming, name calling, ignoring, and isolating a child, and exposure to domestic and family violence.

**Recruitment and screening** means the child safety recruitment and screening requirements adopted to help ensure the safety of Children outlined in Section 6 of this Policy.

**Reportable Conduct:** The Children's Guardian Act 2019 defines reportable conduct as: a sexual offence; sexual misconduct; ill-treatment of a child; neglect of a child; an assault against a child; an offence under s 43B (failure to protect) or s 316A (failure to report) of the Crimes Act 1900; and behaviour that causes significant emotional or psychological harm to a child.

**Sexual abuse** means any unwanted or unwelcome sexual behaviour committed against or in the presence of a Child, where a reasonable person would anticipate the possibility that the Child would feel offended, humiliated, or intimidated, including any criminal Sexual offence involving sexual activity, grooming or production, dissemination, or possession of Child abuse material.

**Victimisation** means subjecting a person, or threatening to subject a person, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint or lawful disclosure, including under applicable legislation or this Policy, or for supporting another person to take such action.

**Vilification** means a public act, conduct or behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a particular characteristic they hold, as covered by applicable legislation, including their race or religion, or gender identity, sexual orientation, or HIV/AIDS status.

**WWCC** means a 'Working with Children Check' under the applicable NSW legislation of a state or territory, a summary of which is available here.

**Young Person** means someone who is aged 16 years or above but who is under the age of 18 years.

## 3. Prohibited Conduct

### 3.1 Prohibited Conduct

An employee commits a breach of this Policy when they, either alone or in conjunction with another or others, engage in any of the following conduct against, or in relation to, a Child or Children in the circumstances defined in clause 2.2:

- Child abuse
- Grooming
- Misconduct with a child
- Request or infer that the child keep any communication secret from their parents, guardian, carer, or other Relevant Person such as a coach or administrator, or Council Employee;
- Supply alcohol, or drugs (including tobacco)
- Supply medicines, except when permitted by law or with the consent of the parent, guardian, or carer of the Child and under a valid prescription for that child and at the prescribed dosage.
- Conduct sexualised behaviour with a child

### 3.2 Sexual behaviour

'Sexual behaviour' needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered sexual in nature, including, but not limited to:

- 'contact behaviour', such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution
- 'non-contact behaviour', such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

## 4. Code of Conduct/Standards of practice for interacting with Children

### 4.1 Use of language and tone of voice

Language and tone of voice used in the presence of children should:

- provide clear direction, boost their confidence, encourage, or affirm them
- not be harmful to children.

In this respect, do not to use inappropriate language in the presence of, or directed to a child, that is:

- discriminatory, racist, or sexist
- derogatory, belittling, or negative, for example, by calling a child a 'loser' or telling them they are 'too fat'
- intended to threaten or frighten, or
- profane or sexual.

### 4.2 Positive guidance (Discipline)

Children participating in Council activities will be made aware of the acceptable limits of their behaviour so that we can provide a positive experience for all participants.

An Employee must use appropriate techniques and behaviour management strategies to ensure:

- an effective and positive environment; and
- the safety and/or wellbeing of all participants, particularly children.
- An Employee must use strategies that are fair, respectful, and appropriate to the developmental stage of the child.

Children need to be provided with clear directions and given an opportunity to redirect their behaviour in a positive manner.

Under no circumstances are Employees to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating.

### 4.3 Respecting Children's Rights & engaging Children in decision making

In accordance with Council's Community Engagement Strategy, Council will seek input from children on planning matters that affect them. This will be achieved via information sharing and collaboration with local schools, long day care centres, preschools, churches, children's services operators, our libraries, community groups and via parents and carers to promote Council projects that would benefit from young people's ideas and opinions. This includes but is not limited to, park playgrounds planning and openings, youth panels, surveys, policy reviews and workshops.

The following methods will be considered as a way of capturing feedback and consulting with children:

- Collaborate Canada Bay, our engagement website, which is accessible to all in our community to take surveys, enter competitions, and contribute to the area's future.
- social media,
- Council's print newsletter,
- and e-newsletters.

It is important to consider the voices of children when developing plans and programs that serve the community.

When engaging children and young people, it is important to tailor the engagement to children, for example creative tasks, face-to-face workshops that record feedback provided verbally, considering attending school/organisation events to gather input at places children will already be.

Employees must adhere to Council's privacy policy to maintain the privacy of all people who contribute to engagement programs, and all events and workshops are conducted under the supervision of teachers, parents, and/or appropriate Council officers.

Council's Engagement Coordinator will provide support and assistance with the engagement of children on projects as required.

### 4.4 Supervision

Children participating in Council activities must always be supervised. Supervision must be constant, active, and diligent and requires that children are always within an employee's sight so that the child receives a response to their individual needs and that an employee can immediately intervene if necessary.

Situations where an employee is alone with a child should be avoided, however some services and programs may involve such circumstances and these situations will need to be identified and discussed with the relevant Manager, including undertaking a risk assessment, if the situation is likely to occur again.

### 4.5 Use of electronic or online communications

For any electronic or online communication with children, Council adopts a two-notification model, that is, the supervisor and a parent/ guardian must be copied in on all electronic communication between an employee and a child.

When communicating with children, employees must ensure content is:

- directly associated with delivering Council activities, such as advising that a scheduled event is cancelled

- concise, with personal or social content limited only to convey the message in a polite and friendly manner
- devoid of any sexualised or inappropriate language; and
- not promoting unauthorised social activity or contact.

#### 4.6 Photographs of Children

Council respects the right of a person to request a photograph be removed or altered from Council's website or publications which they can do by contacting Council's Media and Communications Team on 9911 6555.

Any employees organising events or programs where children may be photographed or filmed must ensure:

- a risk assessment is completed.
- the photographer should be easily identifiable (e.g. high vis vest displaying 'photographer').
- the photographer should be briefed in the event or activity's child safety risk assessment.
- participants are notified that photography/filming will take place, and written consent is obtained as required. Where possible, verbal permission should also be sought from the Child or Young Person.
- safe storage of photographs/footage, in a manner that prevents unauthorised access.
- photographs/footage are used only for their intended purpose.
- notification when events will be photographed/recorded is provided, either by announcements, signage, prior communication (e.g. email), or a combination of these. The context for the images or video must be directly related to participation in or promotion of Council activities.
- children are appropriately dressed and posed.
- images or footage is taken in the presence of other council Employees, and that children are never alone with a council employee when being photographed.
- That a personal phone, camera, or video camera is not used to take images of children, unless prior permission has been granted by your manager.

Please ensure you also refer to the laws, regulations, and guidelines relating to your field of operation.

#### 4.7 Physical contact with Children

Any physical contact with children must be appropriate and in line with the delivery of Council activity and based on the needs of the child such as assisting with the use of equipment, technique, or administering first aid. children must be asked if they consent to being touched and provided with the reason for the physical contact.

**Under no circumstances** should an Employee have contact with children participating in Council activities that:

- is unnecessary (e.g. assisting with toileting when a child does not require assistance)
- would appear to a reasonable observer to have a sexual connotation
- involves touching of genitals, buttocks, or the breast area other than as part of delivering appropriate medical or allied health services
- is intended to cause pain or distress to the child (e.g. corporal punishment)
- is overly physical (e.g. sitting-on, forced stretching, horseplay, tickling or other roughhousing)
- is initiated against the wishes of the child, except if such contact may be necessary to prevent injury to the child or to others.

Employees are required to report any physical contact initiated by an adult or a child that is sexualised and/or inappropriate, such as acts of physical aggression, to their Manager as soon as possible, to enable the situation to be managed in the interests of the safety of the child, the employee, and any other participants.

## 4.8 Overnight stays and sleeping arrangements

Council does not allow its employees to organise and/or manage overnight stay activities involving children.

## 4.9 Change room arrangements

An employee needs to ensure adequate supervision of children when the child or children are using 'public' change rooms. Regular checks of change rooms are to occur. Such supervision is to be undertaken only to minimise the risk of abuse by members of the public, adult users, or general misbehaviour, while also respecting a child's privacy.

An Employee:

- must not shower or change at the same time as supervising groups of children.
- must avoid one-to-one situations with a child in a change room area.
- must not use phones, cameras and recording devices in changing rooms and whilst children are getting dressed.

## 4.10 Use of, possession or supply of alcohol or drugs

An employee, whilst responsible for the care of children, **must not**:

- use, possess or be under the influence of an illicit drug
- use or be under the influence of alcohol
- be impaired by any other legal drug such as prescription or over the counter drugs
- use a smoking device such as a cigarette or e-cigarette (vape) in front of children
- supply alcohol or drugs (including tobacco or vapes) to children, or
- supply or administer medicines, except when permitted by law or with the written consent of the parent, guardian, or carer of the child and under a valid prescription for that child and at the prescribed dosage.

## 4.11 Parent/Guardians:

Parents or guardians of children are to be involved in any significant decision, including the signing of any documentation, in relation to their child's involvement in Council activities. Parents and guardians are entitled to be present at training sessions in open locations to watch their own children during training.

## 4.12 Professional boundaries

Employees must act within the scope of their role (as specified in their position description or contract) when working with children who are involved or have been involved in a Council activity. They **must not**:

- provide any form of support to a child or their family unrelated to the scope of their role, where there is no existing social, personal, or family relationship (e.g. financial assistance, babysitting, provide accommodation).
- exhibit any type of favouritism towards any child, including those with whom they have an existing social, personal, or family relationship.
- give gifts/presents to children other than the provision of official awards.
- engage in open discussions of a mature or adult nature in the presence of children.
- discriminate against any child, including on the basis of gender identity, culture, race, or disability.
- have one-on-one contact with a child outside of authorised Council activities (includes direct contact in-person, by phone, or online) unless the employee is related to, or a family friend of a child participant.
- accept an invitation to attend any private social function at the request of a child or their family, where there is no existing social, personal, or family relationship.

Council recognises that there may be times where Employees are related to, or a family friend of a child participant. While it is not Council's intention to proscribe interactions between families, these connections must be identified to safeguard all Employees.

Therefore, if an Employee is a relative or family friend of a child, and both participate at a Council organised activity, such a connection must be formally disclosed and recorded with the business unit Manager.

#### 4.13 Transporting Children

It is not acceptable for an employee to transport children in a private vehicle.

Parents/guardians are responsible for organising transporting of children to and from Council activities.

#### 4.14 Drop off and pick up of Children

Managers must ensure two employees are always present during drop off and pick up times.

Employees must:

- ensure children and their parent or guardian know the time and location of the Council activity, including start and finish times.
- arrive before scheduled activities start to ensure that children are not left unattended.
- have an accessible register of parent/guardian emergency contact numbers and an operational phone.
- ensure that if a parent/guardian is late, they make reasonable attempts to contact them. It is not acceptable for an employee to transport children home if their parent/guardian is late for pick up.
- not leave the Council activity until all children have been collected by their parent/guardian.

#### 4.15 Situational Prevention Techniques

Where required, council will ensure all current buildings and new builds that are used by children consider situational prevention strategies to minimise the risk of harm to children in line with the Australian Building Codes and Standards.

Considerations may include:

- Visibility of spaces - line of sight to maximise supervision of children
- Signage regarding Child Safe Standards, Council's Child Safe Code of Conduct, and how to report abuse
- Access to spaces that are locked and out of site
- CCTV locations
- Bathrooms used by adults and children
- Other hazards and risks as identified

Council's Buildings, Assets and Services team will work with, and support, stakeholders to assess the likelihood of children utilising buildings and spaces, and will identify receptive and preventative constraints, and implement strategies and modifications as appropriate.

#### 4.16 Volunteers and Contractors

Volunteers and Contractors will be informed that City of Canada Bay Council is a Child Safe Organisation and have their obligations highlighted as well as have access to policies and procedures through the following avenues as appropriate:

- Face-to-face inductions
- Posters at venues, including the Child Safe Code of Conduct
- Tender Agreement Clauses
- Email information
- Welcome packs

Working with Children Checks and other requirements for those in direct services will comply with the relevant laws and regulations. It is the responsibility of the person engaging the volunteer or contractor to ensure compliance.

## 5. Reporting

### 5.1 Internal Reporting Procedures

Where an employee holds concerns or information regarding an alleged breach that would cause a reasonable person to suspect that a child is, or is at risk of, being abused and/or neglected, the Employee must comply with the requirements of Responding to Child Abuse Allegations detailed in Appendix A.

Where an allegation is made against a staff member involving a child, procedures for responding to such allegations can be found in Appendix A.

Any concerns in relation to the safety and wellbeing of a child should initially be reported to your supervisor, and/or one of Council's Child Protection Officers.

In the event that you are unable to report to your supervisor or a Child Protection Officer, Council's People and Culture team may also be contacted to report/discuss such incidents.

It is important to ensure confidentiality procedures are followed surrounding any reports made.

Where required, an investigation will occur as per the procedures outlined in the Workplace Behavioural Standards Policy, and the Office of the Children's Guardian will be notified as per the Reportable Conduct Scheme detailed in section 5.2 of this policy.

### 5.2 Reportable Conduct

The NSW Reportable Conduct Scheme monitors how organisations investigate and report on allegations of certain conduct towards children. All council Employees must notify the Office of the Children's Guardian of reportable allegations or convictions (that is, reportable conduct).

The Children's Guardian Act 2019 defines reportable conduct as:

- a sexual offence
- sexual misconduct
- ill-treatment of a child
- neglect of a child
- an assault against a child
- an offence under s 43B (failure to protect) or s 316A (failure to report) of the Crimes Act 1900
- behaviour that causes significant emotional or psychological harm to a child

It is a criminal offence for adults not to report to police if they know or believe that a child abuse offence has been committed. In addition, people employed in child-related work may be subject to a criminal offence if they fail to reduce or remove the risk of a child becoming a victim of child abuse.

### 5.3 Mandatory Reporting Risk of Significant Harm

Mandatory reporting is the legal obligation for a person who, in the course of their professional work or other paid employment, delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children (and managers in organisations providing such services).

All employees working within Children's Services, Library Services and Leisure Centres (including line management) are considered by Council to be Mandatory Reporters.

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 legislatively required to report these concerns to the Department of Communities and Justice (DCJ) Child Protection Helpline.

There are two ways you can make a report to the Child Protection Helpline if you suspect risk of significant harm:

- By e-Report through the ChildStory Reporter website
- By calling the Child Protection Helpline on 132 111

Before making an e-Report or calling the Child Protection helpline Mandatory Reporters are encouraged to consult the Mandatory Reporter Guide (MRG) to assess whether a child or young person is at risk of significant harm (ROSH). The Child Protection Officer/Manager of the business area in which the allegation is made is the preferred Council representative responsible for consulting the Mandatory Reporter Guide (MRG).

The MRG is located at the following link <https://reporter.childstory.nsw.gov.au/s/>

The MRG does not prevent Mandatory Reporters from taking any course of action they believe is appropriate, or from continuing to support or respond to the needs of the child or young person who is the subject of the report in the course of their work (s.29A of the Care Act).

The Mandatory Reporter Guide (MRG) is a Structured Decision Making (@SDM) tool intended to complement mandatory reporters' professional judgment and critical thinking.

The MRG supports Mandatory Reporters in NSW to:

- determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child or young person; and
- Identify alternative supports for vulnerable children, young people, and their families.

The MRG incorporates proven design principles that help focus on the most critical pieces of information for the decision at hand through a set of 'decision trees' and definitions. It works by posing specific questions in each decision tree that help Mandatory Reporters work systematically through the issues relating to their concerns about a child or young person. At the end of each decision tree process, a decision report guides Mandatory Reporters as to what action to take.

## 6. Recruitment, Screening and Training

Council's recruitment and screening requirements have been developed to ensure there is a fair, safe, consistent, and comprehensive recruitment process across Council.

Council takes child protection seriously and ensures that Employees are committed to providing professional, safe, and enjoyable programs and services to Children.

## 6.1 Child-Related Positions

All roles within Council will go through an identification process by People & Culture to assess if they are a child-related position.

A child-related position means a position that involves or may involve contact with children, either under the position description or due to the nature of the role.

Positions assessed as 'child-related' must be appointed using the recruitment and screening process.

People & Culture will maintain an accurate and up to date database of child related positions.

## 6.2 Position Descriptions

All Council position descriptions are to include the following statement:

*The City of Canada Bay is a Child Safe Organisation that recognises and advocates for the rights of Children and Young People. We aim to reduce the likelihood of harm to children, to increase the likelihood of identifying and reporting harm and respond appropriately to disclosures, allegations, or suspicions of harm.*

Developing appropriate selection criteria for a position is a valuable first step to reducing the risk of appointing someone who poses a child safety risk. Therefore, all positions with Council that are identified as child-related will include appropriate selection criteria that aligns to the position. Examples of appropriate selection criteria may include:

- 'Must have experience working with children.'
- 'Must be able to demonstrate an understanding of appropriate behaviours when engaging with children.'
- Must have a current Working with Children Check.

## 6.3 Working with Children Checks

NSW Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with Children as paid employees or volunteers.

All new employees who are to commence in an identified child-related position require a cleared WWCC. The Manager will supply sufficient personal details to People & Culture prior to the Employee's commencement of service to enable People & Culture to run a WWCC validation report.

Council must not engage a person who does not have a satisfactory WWCC.

It is a serious breach of this policy if an Employee continues in a child-related position if they have been charged or convicted of a crime that would make them no longer eligible to be granted a WWCC.

## 6.4 Advertising

All positions advertised by Council will include the following statement:

*The City of Canada Bay Council is a Child Safe Organisation that recognises and advocates for the rights of Children and Young People and is committed to a Safe Workplace.*

## 6.5 Interviews

All applicants for Child-related positions are required to attend at least one interview, preferably in person or on online, via MS Teams etc.

During the interview, questions regarding the applicant's suitability to work with Children must be included. Sample questions include:

- Would you please tell us about your beliefs and values in relation to working with children?
- Would you please tell us about your awareness and understanding of child protection?
- Would you please tell us about your professional experience, competencies, and qualifications in relation to working with children?
- What boundaries are important when working with children?
- Have you ever had any disciplinary action taken against you in relation to you working with children?

## 6.6 Reference checks

Council will conduct referee checks for the preferred applicant to gather additional information about the applicant's suitability to work in the role for which they have applied.

The selected referees must:

- be able to provide information relating to the applicant's suitability to work with Children
- have known the applicant for at least 12 months
- not be related to the applicant
- be able to vouch for the applicant's reputation and character.

Referees are to be asked directly about any concerns they may have about the applicant working with Children.

Sample questions to use include:

- Would you have any concerns about this applicant working with or being in contact with children?
- In your time working with the applicant, was there anything that led you to believe that this applicant is not suitable to work with or be in contact with children?
- To your knowledge, has this person ever been involved with the abuse or neglect of children?

## 6.7 Employment of Children

Considerations around paid or volunteer employment of children are in place to make sure children are safe during their employment and that it does not impact their schooling and development.

Council will ensure emergency contact details are also collected for all children employed or volunteering with Council.

Council will not require a pre-employment Health Assessment to be conducted as part of the recruitment process for any child under 18 years of age.

When employing a child under 15 years of age the following additional considerations will be in place:

- written parent/guardian consent is required for any roles offered; this includes volunteer placements.
- a child works only one shift per day
- a child does not start work less than 12 hours after previously finishing work
- a child works for 4 hours or less on the same day as attending or receiving schooling
- appropriate rest breaks are provided to children – one hour break every four hours

- a child does not work later than 9:00pm on a night before attending or receiving schooling
- a child's combined work and schooling hours for one week is 50 hours or less.

## 6.8 Training

All new staff are required to attend a Corporate Induction Day. Face to face training of the Children and Young Persons Protection Policy and the Child Safe Code of Conduct is provided as part of this induction.

All council employees are required to complete mandatory e-Learning module 'Child Safe Standards and the Child Safe Scheme'. Completion of this is monitored by Council's People and Culture Team.

All Child Protection Officers are required to complete the Office of the Children's Guardian Child Safe eLearning module – Keeping children safe in organisations.

All Council staff who work directly with children are supported to regularly maintain and update their knowledge of Child Protection and the Child Safe Standards.

## 7. Procedural Fairness and Confidentiality.

Any allegation of abuse or breach of the Children and Young Persons Protection Policy will be treated in a fair, transparent, and timely manner. Employees subject to an allegation will be notified when an investigation hearing will take place and what will occur at the hearing.

Council maintains the privacy of those involved in accordance with our obligations under the Privacy and Personal Information Protection Act 1998. Information may be exchanged under Part 5 (31) of the Child Protection (Working with Children) Act 2012, with other agencies who have responsibilities relating to the safety, welfare, or wellbeing of a child.

If an allegation is found to be substantiated, outcomes or responses will be determined by the relevant Executive member, People & Culture, or from advice given by relevant authorities (Police, Department of Communities & Justice, or Office of the Children's Guardian).

## 8. Relevant legislation and additional resources

Children's Guardian Act 2019

NSW Legislation - [Child Protection \(Working with Children\) Act 2012](#)

NSW Legislation - [Child Protection Working with Children Regulation 2013](#)

NSW Legislation - [Child Protection Offenders Registration Act 2000](#).

NSW Legislation - [Privacy and Personal Information Protection Act 1998](#)

NSW Legislation - [Crimes Act 1900](#)

Local Government (State) Award 2020

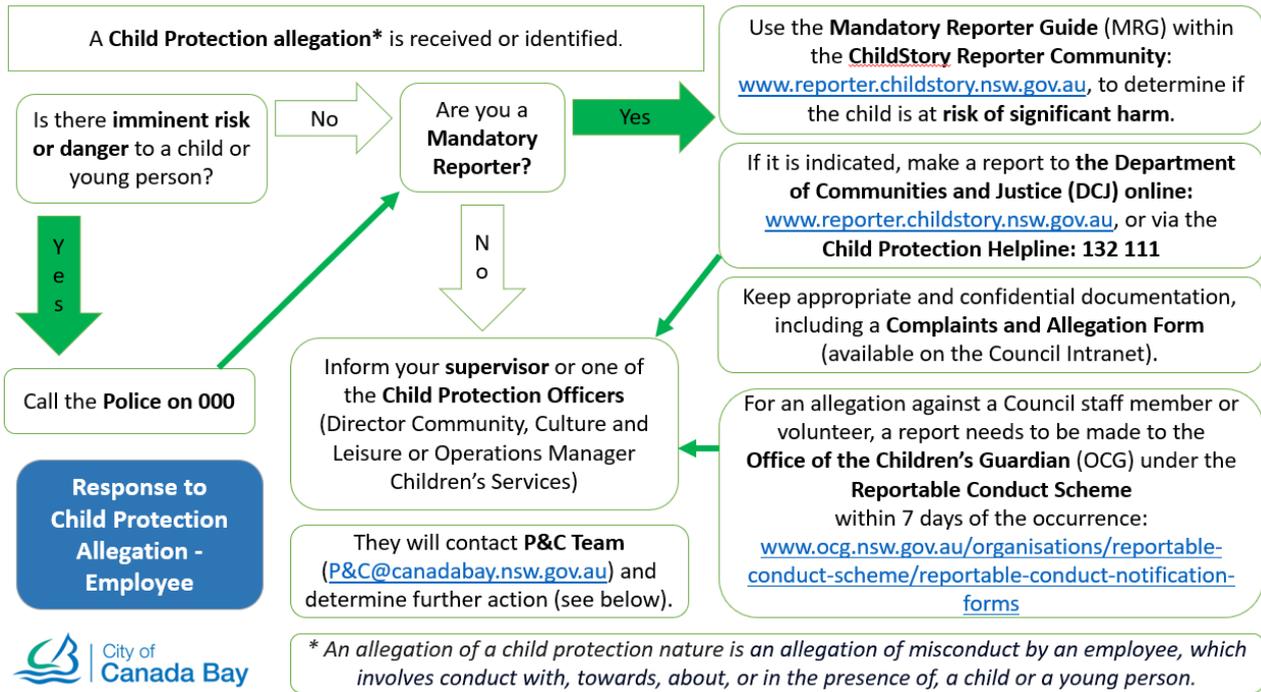
Council's Code of Conduct

Council's Recruitment & Selection Policy

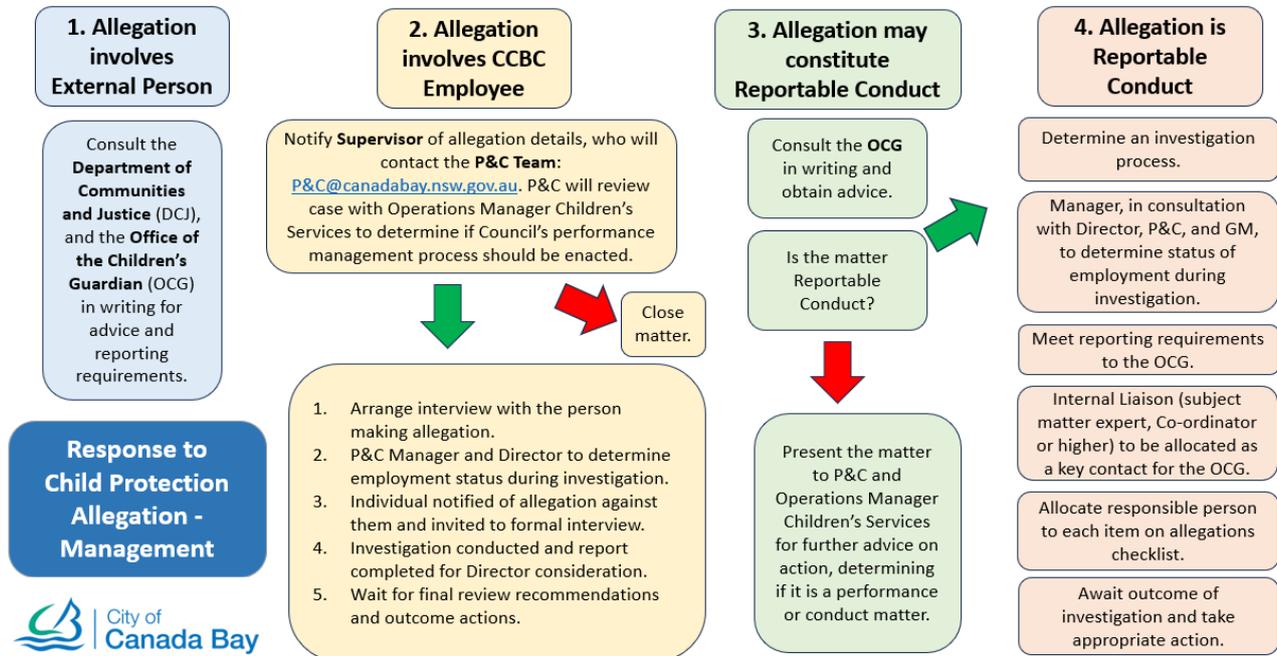
The Child Wellbeing & Child Protection – Family & Community Services NSW Interagency Guidelines ([the Guidelines](#)) provide practical guidance on interagency cooperation in child protection.

<https://ocg.nsw.gov.au/> for information on how to be a Child Safe organisation.

**Appendix A:**



**Possible Scenarios**



**Appendix B:**

**Link to Risk Assessments:**

<https://canadabay.t1cloud.com/T1Default/CiAnywhere/Web/CANADABAY/ECMCore/DocumentSearch?f=%24EMC.DOC.SEARCH.FCT&h=1ybea4jfv3&t=15136082&suite=ECM&pagekey=20230519151030>

**Child Protection Risk Assessment- Direct Services:** Document Set ID 7869998

**Child Safety Risk Assessment- Indirect Services:** Document Set ID 7869999

**Child Safety Risk Assessment- Events:** Document Set ID 7870000

Appendix C:

# CHILD SAFE CODE OF CONDUCT

This Code of Conduct is for all staff, volunteers and community participants of City of Canada Bay services and facilities.



## At this facility or service you must:

- ✔ Treat children and young people with respect and value their ideas and opinions.
- ✔ Act as positive role models in their conduct with children and young people.
- ✔ Avoid any unnecessary physical contact with a child or young person.
- ✔ Report any suspicions based on reasonable grounds that a child or young person is at risk of significant harm to the Child Protection Helpline on 132 111.
- ✔ Contact the police if a child is at immediate risk of abuse – phone 000.

## At this facility or service you must not:

- ✘ Shame, humiliate, oppress, belittle or degrade children or young people.
- ✘ Unlawfully discriminate against any child.
- ✘ Engage in any activity with a child or young person that is likely to physically or emotionally harm them.
- ✘ Initiate unnecessary physical contact with a child or young person, or do things of a personal nature for them that they can do for themselves.
- ✘ Be alone with a child or young person unnecessarily and for more than a very short time.
- ✘ Develop a 'special' relationship with a specific child or young person for their own needs.
- ✘ Show favouritism through the provision of gifts or inappropriate attention.
- ✘ Arrange contact, including online contact, with children or young people outside of Council's programs and activities.
- ✘ Engage in open discussions of a mature or adult nature in the presence of children.
- ✘ Use inappropriate language in the presence of children.

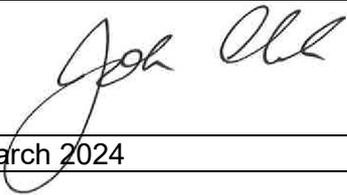
## 9. Policy Information

Policy Name:	Children and Young Persons Protection Policy
Date Policy Adopted:	7 March 2024
This Policy Replaces:	Child and Young Person Protection Policy
Policy Owner:	Manager People & Culture
Policy Prepared By:	Executive Services – People & Culture
Policy Review Date:	7 March 2024
Next Review Date:	7 March 2025

- Document Information

Document Location:	
Number of Pages:	21
Version:	V1
Related Documents:	

- Endorsement

General Manager Signature:	
Endorsement Date:	7 March 2024

- Revision History

Amended By	Date	Change Description	Owner Approved	Version