

# Child Safety Policy

## Purpose

The City of Sydney (the City) recognises the importance of the wellbeing of all children and young people, and the significant lifelong impact abuse can have on children and young people. Children and young people are an important part of our society and it is essential that children are safe while taking part in community life.

The City of Sydney Child Safety Policy (Policy) and Child Safety Procedures outline how the City meets its commitment and obligations to prevent abuse and ensure the safety, welfare and well-being of the children and young people for whom the City provides a service, and with whom the organisation has contact.

## Scope

This Policy applies to all full-time, part-time, casual, temporary and fixed term City Employees (and includes agency staff, students on placement, volunteers, and Councillors).

The Policy also applies to the management of contracted services providers (see Definitions) and grant and sponsorship recipients delivering services involving child-related work, either on behalf of or in conjunction with the City.

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## Definitions

Term	Meaning
<b>Agency Staff</b>	Temporary staff engaged by the City through a labour hire agency. For the purpose of this policy agency staff are considered City employees.
<b>Allegation</b>	Includes an allegation which involves behaviour that is reportable conduct, as well as behaviour that is exempt from notification to the NSW Office of the Children’s Guardian, but which is required to be investigated by the City.
<b>Child/ Children</b>	A child is a person aged 0-16 years.
<b>Child- Related Work</b>	<p>Work which involves direct contact by the worker with a child or children where that contact is a usual part of and more than incidental to the work. It also includes work that is likely to involve contact with a child in connection with at least one of the 20 legislated categories of child-related work, which include:</p> <ul style="list-style-type: none"> <li>• education and care and child minding services</li> <li>• clubs or other bodies providing programs and services for children</li> <li>• entertainment for children – includes sporting, cultural or other entertainment venues used primarily by children and entertainment services for children</li> <li>• transport services for children - including school bus services, taxi services for children with a disability and supervision of school road crossings</li> </ul> <p>It may also include a worker who has access to confidential records or information about children.</p>
<b>City Employee</b>	<p>Any person engaged in work for the City of Sydney in any of the following capacities:</p> <ul style="list-style-type: none"> <li>• full-time, part-time, casual, temporary and fixed term employees</li> <li>• Agency staff</li> <li>• volunteers</li> <li>• students on placement, and</li> <li>• for the purposes of this policy, Councillors.</li> </ul>
<b>Contracted Service Provider</b>	An organisation or entity contracted to provide goods, services or programs involving child-related work on behalf of or in conjunction with the City, where that entity has been engaged as a result of informal and formal <b>procurement processes</b> such as Request for Quotations (RFQs), Tenders, Expressions of Interest (EOIs), and one-off or standing purchase orders.
<b>Direct Contact</b>	Means physical or face-to-face contact and contact online.

Term	Meaning
<b>Hiring Manager</b>	The City employee who plans, assesses and appoints candidates to vacant positions in line with the City Recruitment and Selection Policy.
<b>Ill-treatment of a Child</b>	<p>Means conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel.</p> <p>Ill-treatment includes:</p> <ol style="list-style-type: none"> <li>1. making excessive or degrading demands of a child</li> <li>2. a pattern of hostile or degrading comments or behaviour towards a child</li> <li>3. using inappropriate forms of behaviour management towards a child</li> </ol>
<b>Investigation (of Reportable Allegations or Conduct)</b>	<p>The process in which the City of Sydney:</p> <ul style="list-style-type: none"> <li>• gathers all relevant facts</li> <li>• manages risks to children, employees and the organisation during an investigation</li> <li>• makes an assessment as to whether an allegation is reportable under the Reportable Conduct Scheme</li> <li>• notifies the Children’s Guardian of the Reportable Allegation or conduct</li> <li>• makes a finding of Reportable Conduct including whether an allegation is sustained or not, and</li> <li>• provides information to assist any relevant employment proceedings.</li> </ul>
<b>Reportable Allegation</b>	<p>A reportable allegation in relation to an employee of the City, means:</p> <ol style="list-style-type: none"> <li>a. if the employee holds, or is required to hold, a Working with Children Check clearance for the purpose of employment with the public authority—an allegation that the employee has engaged in conduct that may be Reportable Conduct, whether or not the conduct is alleged to have occurred in the course of the employee’s employment, or</li> <li>b. if the employee is not required to hold a Working with Children Check clearance for the purpose of employment with the public authority—an allegation that the employee has engaged in conduct that may be Reportable Conduct, unless the conduct is alleged to have occurred outside the course of the employee’s employment with the public authority.</li> </ol>
<b>Reportable Conduct</b>	<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"> <li>a. a sexual offence,</li> <li>b. sexual misconduct,</li> <li>c. Ill-treatment of a child,</li> <li>d. Neglect of a child,</li> </ol>

Term	Meaning
	<p>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,                      g. behaviour that causes significant emotional or psychological harm to a child.</p> <p>Examples of indicators of significant emotional or psychological harm in respect of paragraph (g) include :</p> <ol style="list-style-type: none"> <li>1. displaying behaviour patterns that are out of character,</li> <li>2. regressive behaviour,</li> <li>3. anxiety or self-harm.</li> </ol>
<b>Students on Placement</b>	Any person undertaking practical training as part of an educational or vocational course (other than as a high-school student undertaking work experience).
<b>Survivor</b>	A person who has suffered sexual abuse that is within the scope of the National Redress Scheme.
<b>Young Person / People</b>	A person who is aged 16 years or above but who is under the age of 18 years.

## Policy Statement

The City of Sydney caters for the needs of children and young people by providing parks and playgrounds, recreation facilities, early education and care services, outside school hours care services, libraries, cycle paths and skate facilities.

The City also provides a diverse array of services which may be used by children and young people including community programs and facilities, delivering community events, contracting services through external operators, and providing funding to support community organisations through its grants and sponsorship programs.

The City is committed to:

1. Upholding the United Nations Convention on the Rights of the Child (1990)
2. Building a culture of child safety within its organisation and communities by embedding the NSW Child Safe Standards into practice over time
3. Meeting its responsibilities to ensure the safety and welfare of children, and taking reasonable measures to prevent abuse of children in line with child safety and protection legislation, including:
  - Ensuring that City employees working with children are suitable and supported through fit for purpose recruitment and selection processes
  - appropriate Working with Children Checks are in place and verified
  - the provision of a regular program of child safety training and inductions that ensure all City employees are aware of their legal responsibilities and are confident in reporting known, suspected or alleged child abuse, misconduct or inappropriate behaviour
  - Actively promoting safety and working towards reducing all environmental and situational risk factors that lead to risk of children and young people being harmed, by ensuring appropriate child safety risk management plans and systems are in place
  - Actively promoting safety and working towards reducing all environmental and situational risk factors that lead to risk of children and young people being harmed.
4. Timely reporting and investigation of concerns of possible abuse, harm or neglect of a child by appropriately independent and skilled investigators
5. Storing and maintaining records in line with relevant child safety and protection legislation, and
6. Participating in the National Redress Scheme.

## Operational Procedures

This Policy should be read in conjunction with the following operational procedures:

- Child Safety Procedure - Recruitment, Employee Conduct and Training
  - Appendix A: Child Safe Code of Conduct - Employees
  - Appendix B: Child Safety Training Program
- Child Safety Procedure - Reporting child safety concerns
- Child Safety Procedure - Notifying and investigating child safety concerns
- Child Safety Procedure - National Redress Scheme
- Child Safety Procedure - Contract and Grant Management – *in development*
- Child Safety Guideline - Child Safe Environments - *in development*

## **Recruitment, Employee Conduct and Training**

### **City Employee conduct**

All City Employees have a responsibility to adhere to this Policy and associated procedures, the City's Code of Conduct and the Child Safe Code of Conduct - Employees (which outlines acceptable and unacceptable behaviour).

City employees who are required to hold a Working with Children Check for the purposes of their work, must adhere to the Child Safe Code of Conduct at all times, both while at work and when not at work.

Breaches of the Child Safe Code of Conduct - Employees can lead to disciplinary action up to and including termination of employment.

### **Assigning categories to roles**

Every role within the City of Sydney will be categorised using the City's Child Safety Procedure – Recruitment, Employee Conduct and Training, including newly created, re-profiled positions and existing roles where there has been a change in duties.

These categories determine whether the role requires a Working with Children Check, and what type of child safety training must be completed in order to meet the responsibilities of the roles.

### **Recruitment and employment**

The City will meet legal requirements to ensure that only people with valid Working with Children Checks are engaged in child-related work. The Working with Children Check is an essential part of the City's recruitment process to prevent people who pose a risk to the safety of a Child or Young Person from being employed or engaged in child-related work.

The Director People, Performance and Technology, the relevant Divisional Director and the hiring manager are responsible for ensuring that all recruitment and employment procedures are carried out in accordance with the Child Protection (Working with Children) Act 2012, the Child Protection (Working with Children) Regulation 2013 and the Child Safety Procedure – Recruitment, Employee Conduct and Training.

The Manager Recruitment, together with relevant Directors and hiring managers are responsible for:

- ensuring Working with Children Checks have been carried out for designated roles before hiring a prospective employee, and
- not continuing to employ, in child-related work, a person that has been identified as disqualified as a result of failing to qualify for a Working with Children Check renewal.

### **Training requirements**

Training and induction is important to ensure that all City employees understand that the safety of children and young people is the responsibility of everyone.

City employees will be provided appropriate training to ensure that they understand the City's commitment to the safety of children and young people, and that everyone has a role to play in protecting them from abuse.

The City's aim is that all City employees (in addition to parents/carers and children or young people) feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. Relevant workforce areas are trained to identify, assess, and minimise risks of abuse and to detect potential signs of abuse to children and young people.

All City employees will be provided an induction to the Child Safe Code of Conduct and the City's Child Safety Policy and Procedures, and, where relevant, an induction to local child safety practices.

All City employees must undertake training that has been identified as required for their role. Training requirements for each of the Categories are set out in Appendix B: Child Safety - Training Program.

## **Child safety risk management plans**

Identifying risks to children and young people and implementing controls to mitigate these risks is an essential factor in keeping children safe. Child Safety Risk Management Plans will document how the safety and welfare of children and young people participating in events, programs and services delivered by the City are managed.

Child Safety Risk Management Plans are required for:

- each individual City staffed facility where children and young people attend, and
- each unique service offered to children and young people where numerous services operate out of the same facility (regardless of whether or not the service is exclusively for children), and
- each event, program or service provided by City employees delivered outside of a staffed City facility, where children and young people are expected to attend or be present.

## **Reporting and responding to child safety concerns**

Information outlining how a child, parent or family member, or community member can make a complaint will be provided in all of the City's staffed community facilities and on the City's website.

All City employees must comply with legal requirements and adopted procedures and report known, suspected or alleged child abuse, misconduct or inappropriate behaviour.

Requirements and processes are outlined in the Child Safety Procedure – Reporting child safety concerns.

If an Allegation of abuse, inappropriate behaviour, misconduct or a safety concern is raised, the City will:

- ensure that processes for responding to alleged abuse and misconduct are fair and focus on child safety
- in the event that a City employee poses a serious risk of abusing a children and young person, remove or reduce the risk to the child and young person
- provide reports and/ or progress updates to the relevant authorities and where appropriate people involved in any incident
- provide support or make referrals for support to alleged victims, their families and affected City employees, such as helping them understand their rights and the process that will be followed in responding to allegations of reportable conduct, and assistance in accessing counselling or other support as required, and
- undertake timely reviews of organisational child safety policies, procedures and/or relevant child safety risk management plans following an incident to help drive continuous improvement.

## Confidentiality and records management

Confidentiality will be maintained for all records and information relating to child safety and protection matters. All child safety and protection records will be maintained in secure electronic files and access will be strictly controlled.

Directors and managers are responsible for ensuring that City employees are aware of procedures relating to record management and that appropriate City employees understand where files are required to be stored within their Business Units.

Records will be stored in accordance with the requirements of the relevant child safety and protection legislation and the City's Records Management Policy.

## Grants and contracts involving Child-Related Work

The City has lease, licence and service agreements with a number of commercial sporting/recreational organisations and/or community organisations that provide services for the benefit of the community on behalf of the City including aquatic and leisure centres, child care, recreation facilities and tennis courts.

The City also provides grant funding and/or subsidised accommodation to a range of organisations that use this funding and/or accommodation to delivery programs and services.

Where any relevant contractual agreements include the delivery of child-related work on behalf of or in conjunction with the City, the agreement must contain clauses outlining the organisation's responsibilities under all applicable child safety and protection legislation and City child safety policies.

Performance measures, compliance, monitoring and reporting systems related to child safety will be established in relevant agreements and through contract management processes.

Further guidance is contained in the Child Safety Procedure – Contract and Grant Management.

## National Redress Scheme

The City acknowledges the life-long impact of institutional child sexual abuse on survivors and is a participating organisation in the National Redress Scheme.

As a participating organisation, if a survivor of child sexual abuse seeks access to the National Redress Scheme, the City will act with discretion, in good faith and use its best endeavours to assist people applying for redress by providing information.

## Responsibilities

Detailed responsibilities are outlined in the relevant Child Safety Procedures.

### All City Employees must:

- act in accordance with the City's Child Safe Code of Conduct – Employees
- be aware of, and comply with, their responsibilities under the Child Safety Policy and Procedures

### Chief Executive Officer as Head of Entity must:

- ensure adequate systems and processes, policies and procedures, and codes of conduct are in place to prevent, detect and respond to abuse of children and young people

### Director City Life and Director People Performance and Technology:

- will ensure that the City has a Child Safety Policy and Procedures which comply with relevant regulations and legislation



- will ensure recruitment and screening practices are conducted in line with relevant child safety and protection legislation and the City's Child Safety Procedures
- will ensure specified systems are in place for detecting and responding to reports of child safety concerns
- must ensure that strict confidentiality is maintained for all records and information relating to child safety and protection matters and that records are maintained and disposed of in accordance with the *State Records Act 1998*, City record keeping policies and any other relevant legislative requirements

### **Director Legal and Governance**

- will ensure that a platform exists to manage environmental and situational risks to child safety. All Directors will ensure that relevant business units have in place local child safety risk management plans, and that these are regularly reviewed.
- will ensure tools and resources are available to enable managers to develop and implement local child safety risk management plans

### **Consultation**

This Policy has been developed in consultation with City Life, City Greening and Leisure, People, Performance and Technology and Legal and Governance.

In adopting this Policy, it is recognised that there are specific legislative and procedural requirements to be met by the City and City employees.

## References

### Laws and Standards

- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Children and Young Persons (Care and Protection) Act 1998
- Children's Guardian Act 2019
- Civil Liability Amendment (Organisational Child Abuse Liability) Act 2018
- Crimes Act 1900
- Local Government Act 1993
- National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth).
- NSW Child Safe Standards
- NSW Children (Education and Care Services National Law Application) Act 2010
- Privacy and Personal Information Protection Act 1998
- State Records Act 1998
- United Nations Convention on the Rights of the Child (1990)

### Policies and Procedures

- Child Safety Procedure - Recruitment, Employee Conduct and Training
  - Appendix A: Child Safe Code of Conduct - Employees
  - Appendix B: Child Safety Training Program
- Child Safety Procedure – Reporting child safety concerns
- Child Safety Procedure - Notifying and investigating child safety concerns
- Child Safety Procedure – National Redress Scheme
- Child Safety Procedure – Contracted Service Providers
- Child Safety Guideline - Child Safe Environments – *in development*
- Child Safe Code of Conduct – Facilities and Venues
- Disciplinary Policy
- Privacy Management Plan
- Records Management Policy
- Volunteer Policy
- Volunteer Procedures
- Code of Conduct

## Review period

This policy will be reviewed every 4 years, or upon changes in child safety and protection legislation.

## Approval Status

The Council approved this policy on 21 September 2020.

### Approval History

Stage	Date	Comment	TRIM Reference
Original Policy (Child Protection Policy)	30 Nov 2015	Endorsed by the Executive. Approved by CEO.	2014/462654-01
Review	14 Sept 2018	Endorsed by the Executive. Approved by CEO.	2018/014725-01
Child Safety Policy	21 Sep 2020	Approved by Council.	2020/422489
Commence Review Date	1 June 2021	Full review, to consider <ul style="list-style-type: none"> <li>the implications of the Mandatory Child Safe Standards in NSW, and</li> <li>the City's obligations as an employer of children.</li> </ul>	
Approval Due Date	1 June 2022		

### Ownership and approval

Responsibility	Role
Author	Manager Social Policy
Owner	Manager Social Programs and Services
Endorser	City of Sydney Executive
Approver	City of Sydney Council