

# Child Safety Policy

## Purpose

The City of Sydney Child Safety Policy (Policy) and Child Safety Procedures outline how the Council of the City of Sydney (City) meets its commitment and obligations to safeguard Children’s Wellbeing and rights to reach their full potential, by adopting strategies and acting to put the interests of Children first to keep them safe from harm.

We will achieve this by embedding the NSW Child Safe Standards into our organisational leadership, culture, and practice across the City.

## 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) delivering services involving Child-Related Work, either on behalf of or with the City.

## Definitions

Term	Meaning
<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>	For the purpose of this policy, a Child is a person aged 0-18 years.
<b>Child Safety Law</b>	Includes, as updated from time to time, the following legislation: <ul style="list-style-type: none"> <li>• Child Protection (Working with Children) Act 2012 (NSW)</li> <li>• Child Protection (Working with Children) Regulation 2013 (NSW)</li> <li>• Children and Young Persons (Care and Protection) Act 1998 (NSW)</li> <li>• Children’s Guardian Act 2019 (NSW)</li> <li>• Children (Education and Care Services National Law Application) Act 2010 (NSW)</li> </ul>
<b>Child Safety Risk Management Plan</b>	A <b>Child Safety Risk Management Plan</b> is an overarching description of how an organisation intends to keep Children safe. A <b>Local Child Safety Risk Management Plan</b> describes the risk management strategies implemented to protect Children from abuse and harm in a specific service, facility, venue, program or event.
<b>Child-Related Work</b>	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

Term	Meaning
	<p>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 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>	<p>A third party contracted to provide goods, services or programs on behalf of or with the City. The Contracted Service Provider could be</p> <ul style="list-style-type: none"> <li>• an organisation (including for profit and not for profit organisations, private companies or government entities) or</li> <li>• 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.</li> </ul>
<b>Direct Contact</b>	<p>Means physical or face-to-face contact and contact online.</p>
<b>Hiring Manager</b>	<p>The City Employee who plans, assesses and appoints candidates to vacant positions in line with the City Recruitment and Selection Policy.</p>
<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> <li>e. an assault against a Child,</li> <li>f. failure to reduce or remove the risk of a Child becoming a victim of abuse or concealing Child abuse,</li> <li>g. behaviour that causes significant emotional or psychological harm to a Child.</li> </ol>

Term	Meaning
	<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>Wellbeing</b>	<p>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.</p>

**Policy Statement**

The City of Sydney caters for the needs of Children by providing early education and care services, outside school hours care services, community centres, libraries, and aquatic and recreation facilities..

The City also provides a diverse array of services which may be used by Children including community programs and facilities delivering community events. Some of these services may be managed or provided by Contracted Service Providers on behalf of the City.

**Our commitment to Child safety and wellbeing**

The City is committed to safeguarding all children’s sense of wellbeing and rights to reach their full potential and to keeping children safe from harm and abuse.

We work to empower children to find their own voices and understand that children play an important role in creating vibrant, positive communities, and are our communities of the future.

We recognise that disrespect, harm and abuse can have long-lasting effects on healthy development, and that these can lead to serious lifelong consequences. We know that abuse that occurs within an organisational context is not just a problem of the past, it continues today. The City of Sydney has zero tolerance of child abuse in our organisation.

We are working to embed the NSW Child Safe Standards into our organisational leadership, governance and culture and by adopting strategies and acting to put the interests of children first and keep them safe from harm.

At the City:

- We want Children to be safe, resilient, happy and empowered.
- We want Children to be connected to each other, community and culture.
- We respect and uphold Children’s right to privacy.
- We support and respect children of all ages, cultures, religions, education levels, Children of diverse sexualities and genders and children with disability.

- We are committed to the cultural safety of Aboriginal and Torres Strait Islander Children, the cultural safety of Children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with disability.
- All allegations and safety concerns are treated very seriously and consistently with our robust policies and procedures.
- We have legal obligations to contact authorities when we are worried about a Child's safety, or where there is an allegation against one of our employees or volunteers, which we follow rigorously.
- We are committed to preventing Child abuse by identifying risks early and removing and reducing these risks.
- We have robust human resources and recruitment practices to reduce the risk of Child abuse by new and existing employees and volunteers.
- We work closely with our Contracted Service Providers to ensure the services they are delivering on our behalf are Child safe.
- We are committed to regularly training and educating City Employees, Volunteers, senior leaders and Councillors on Child abuse risks and obligations to prevent abuse and respond appropriately.
- We are committed to continually improving our Child safeguarding policies and practices through scheduled policy reviews, audits and by closely examining our policy and practice following any child safety incident or report.

### **Operational Procedures**

We have specific operational policies and procedures in place that support City Employees to achieve our commitments outlined above.

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 – Contracted Service Providers
- Child Safety Procedure - Child Safe Environments - *in development*

All City Employees have a responsibility to adhere to this Policy and associated Procedures.

## **Our Child safe culture**

The City's Statement of Commitment to Child Safety and the Child Safe Code of Conduct are the foundation of our Child safe culture.

All people managers at the City of Sydney are responsible for championing these core values that inform the City's approach to Child safety and wellbeing.

### **Child Safe Code of Conduct**

The City's Child Safe Code of Conduct – Employees applies to all employees, volunteers, agency staff, elected councillors and Contracted Service Providers working in City of Sydney staffed facilities, venues and events sites.

The Child Safe Code of Conduct – Employees establishes a clear set of rules and expectations for behaviour that is in line with the City's Child safe culture and values. Having clear rules and expectations of how City Employees are expected to interact with Children helps to prevent Child abuse and encourage reporting.

The City's Child Safe Code of Conduct - Employees also outlines conduct that is not an offence and does not meet the threshold of Reportable Conduct but is concerning. All City Employees must behave in accordance with the Child Safe Code of Conduct – Employees while at work.

The conduct of City Employees holding a Working with Children Check is subject to the Reportable Conduct Scheme at all times. These employees must behave in accordance with the Child Safe Code of Conduct – Employees, even when not at work.

Any behaviour by City Employees that is consistent with Reportable Conduct and or is a breach of the Child Safe Code of Conduct – Employees will not be tolerated and may lead to disciplinary action, up to and including termination of employment.

## **Human resource management**

Human resource management – including recruitment, screening, training– plays a vital role in protecting Children from harm.

### **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, when to apply Child safe recruitment and screening practices and what type of training, education and supervision is required to ensure the City Employee is suitable to work with Children and has the skills and supervision required to meet the responsibilities of the roles.

## **Recruitment and screening**

The City's recruitment and screening processes are designed to discourage and screen out people who are unsuitable to work with Children and help ensure that only the most suitable applicants who have a positive attitude to Child safety and Wellbeing are employed.

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.

## **Working with Children Checks**

The City will meet legal requirements to ensure that only people with valid Working with Children Checks are engaged in Child-Related Work..

If a City Employee becomes a disqualified person during the course of their employment with the City, the City Employee's Business Unit Manager and the HR business partner must immediately remove that employee from Child-Related Work, and the employee may be placed in non Child-Related Work or suspended from duty with pay pending the outcome of an investigation.

## **Training**

All City Employees will be provided appropriate training and/or induction to ensure that they understand the City's commitment to Child safety and Wellbeing and their role in safeguarding Children.

All City Employees - including volunteers, students on placement, elected Councillors and Contracted Service Providers working in City of Sydney staffed facilities, venues and events sites - will receive Child safety training and or an induction along with information and resources that :

- includes the City's commitment to Child safety and Wellbeing
- provides an overview of the City's Child safety practices
- provides employees with knowledge about the nature and indicators of Child abuse and harm, so that all employees can identify abuse, harm and concerning behaviour
- outlines how to respond to a disclosure of abuse appropriately, and
- outlines the basic reporting responsibilities and processes all employees must follow if there is an incident, Allegation or concern for a Child's safety or Wellbeing.

Relevant workforce areas will receive more specialised child safety training relevant to their role and responsibilities under Child Safety Law and the City's Child safety policy and procedures. This includes training about protective behaviours, Child safety risk management, identifying and responding to risk of significant harm and responding to Allegations of Reportable Conduct.

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 implementing controls to prevent and mitigate these risks is an essential factor in keeping Children safe.

Child Safety Risk Management Plans will document how the safety and Wellbeing of Children participating in events, programs and services delivered by the City 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, such as Children with disability, Children from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander Children.
- **Processes:** used by the City of Sydney. A process is an end to end activity that can involve actions performed by both people and technology. Ineffective processes can lead to ineffective implementation of our Child safety policies and procedures which may result in a failure to prevent, identify and respond to incidents of abuse or harm.
- **Systems:** City of Sydney systems or other systems that are accessed and used to provide services to Children. Examples include customer databases, internet services, mobile phones and security systems
- **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 City 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 City Employees delivered outside of a staffed City facility, where Children are expected to attend or be present, and
- any online programs where Children can interact with City Employees and other members of the community.

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

## Engagement

### Commitment to authentic engagement

The City is committed to providing Children with meaningful and authentic opportunities to participate in decisions that affect them.

The right to participate is at the core of UN Convention of the Rights of the Child and the NSW Child Safe Standards. When Children feel valued and trust their feedback will be heard and acted on, they are more likely to speak up when they don't feel safe.

The City will uphold this right by empowering Children to express their views and ideas and to have those views and ideas considered alongside those of adults in two ways:

#### 1. *Engaging on strategies and projects*

The Manager City Engagement together with project managers will ensure the City consults Children on capital works projects and strategies, policies and action plan that impact Children. This includes for example:

- the design of new parks, playgrounds and skate and recreational facilities, and
- key policies and strategies such as our community strategic plan.

#### 2. *Reviewing and developing services and programs*

Business Unit managers will ensure the City seeks feedback when services and programs used by Children are reviewed and evaluated.

This feedback will guide future offerings and provide opportunities for Children to provide feedback on how services are provided and what the City can do to help Children feel safe.

Where services and programs have ongoing contact with a Child or group of Children, the City will also aim to empower Children with resources and learning opportunities about being safe, their rights to be safe and who they can tell if they don't feel safe.

### Families and communities are informed and involved

As part of the delivery of services and programs used by Children, Business Unit Managers will make sure that families and communities:

- are engaged on new services and programs, or changes to existing services and programs
- are engaged in open, two-way communication with families and communities about the City's Child safety approach and make sure relevant information is accessible
- have a say in the City's Child safety policies and practices, and
- are informed about the City's operations and governance including how to give feedback on services and raise issues of concern.



## Equity and diversity

The City is committed to providing inclusive and culturally safe services and programs for everyone, including Children.

The City understands that some Children are more vulnerable to abuse than others or find it harder to speak up and be heard. This includes Children with disability, Children from culturally and linguistically diverse backgrounds, Children who are questioning their sexuality or gender and Children who have experienced past trauma.

In the spirit of truth telling and reconciliation, we also recognise that many Aboriginal and Torres Strait Islander Children, families and communities have experienced and continue to experience significant trauma in the name of Child protection. This experience is not just confined to the stolen generation but continues today with the overrepresentation of Aboriginal and Torres Strait Islander Children in the Child protection system. Such trauma can make it harder for Aboriginal Children, families and communities to feel safe in speaking up.

The City is committed to providing culturally safe services, that focus on listening, strengthening relationships and building trust with Aboriginal Children, families and communities – so together we keep Children safe and connected to culture. Business Unit Managers will make sure that:

- Children's diverse needs are considered in the delivery of all services used by Children, and.
- services offered in their area aim to provide all Children have equal opportunities to feel welcome and participate in activities and programs.

## Child focused complaints management

Information outlining how a Child, parent or family member, or community member can make a report or complaint is provided in all of the City's staffed community facilities and on the City's website at [Our Child Safe Reporting Process](#).

All City Employees must comply with legal requirements and adopted procedures and report known, suspected or alleged abuse or harm of a Child, misconduct or inappropriate behaviour. Requirements and processes are outlined in the Child Safety Procedure – Reporting Child Safety Concerns.

The City's response to any report, complaint, incident or Allegation will be Child focused, prioritising the safety, interests and Wellbeing of the Child or Children involved. The City will:

- ensure that processes for responding to alleged abuse and misconduct are fair and focus on the safety and Wellbeing of the Child
- in the event that a City Employee poses a serious risk of abusing a Child, remove or reduce the risk to the Child
- where there is an Allegation against a City Employee notify the relevant authorities and conduct an investigation
- 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 everyone involved 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 drive continuous improvement, the Child Safety Policy and related operational procedures will also be regularly reviewed as we progress towards meeting the NSW Child Safe Standards and when new guidance material is issued by the Office of the Children's Guardian.

## **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.

## **Contracts involving Child-Related Work**

The City has management and service agreements with a number of Contracted Service Providers (commercial sporting/recreational organisations and community organisations) that provide services for the benefit of the community and Children on behalf of the City. These include aquatic and recreation centres, tennis courts, education and care services and recreational programs.

Where any relevant contractual agreements include the delivery of Child-Related Work on behalf of or with the City, the agreement must contain clauses outlining the Contracted Service Provider's responsibilities under all applicable Child Safety Law and the City's Child Safety Procedure – Contracted Service Providers .

Performance measures, compliance, monitoring and reporting systems related to Child safety will be established in relevant agreements and through contract management processes, to ensure the City has appropriate oversight of the Contracted Service Provider's Child safeguarding practice.

## **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.
- undertake training and /or induction required when assigned to them.

### 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.

### Business unit managers will:

- ensure Children, families and communities are informed about and have the opportunity to be involved in the development of the City's Child Safety procedures and child practices specific to their service area
- ensure Children's diverse needs are considered in the delivery of all services used by Children.

### Directors will:

- will ensure that relevant business units have in place local Child Safety Risk Management Plans, and that these are regularly reviewed

### 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 Child focused systems and complaints processes 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..

- will ensure tools and resources are available to enable managers to develop and implement local Child Safety Risk Management Plans.

**Manager City Engagement**

- will ensure the City consults Children on capital works projects and strategies, policies and action plan that impact Children.

**People managers**

- will champion the Child safe values in City’s Commitment to Child Safety and the Child Safe Code of Conduct.

**Consultation**

This Policy has been developed in consultation with City Life, City Greening and Leisure, People, Performance and Technology, Indigenous Leadership and Engagement, City Engagement, Procurement 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 Act 2002
- 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 Policy](#)
- [Child Safety Procedure - Recruitment, Employee Conduct and Training](#)
  - [Appendix A: Child Safe Code of Conduct - Employees](#)

**Policies and Procedures**

- Appendix B: Child Safety Training Program
- Child Safety Procedure - Recruitment, Employee Conduct and Training
- 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 Procedure – Managing Risks to Child Safety in Service Environments – *in development*
- Child Safety Risk Management Plan - *in development*
- Child Safe Code of Conduct – Facilities and Venues
- Disciplinary Policy
- Inclusion (Disability) Action Plan 2021-2025
- Privacy Management Plan
- Records Management Policy
- Stretch Reconciliation Action Plan
- Volunteer Policy
- Volunteer Procedures
- Code of Conduct

**Review period**

This policy will be reviewed every 2 years, or upon changes in Child Safety Law.

**Approval Status**

The Council approved this policy on 19 September 2022.

**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 Sept 2020	Approved by Council.	2020/422489
Review	19 Sept 2022	Policy reviewed to align with the NSW Child Safe Standards, include statement of commitment to child safety and wellbeing, and align	2020/422489

Stage	Date	Comment	TRIM Reference
		Child safety policy and procedure review dates.	
Commence review date	19 Dec 2023		
Approval Due Date	19 Sept 2024		

### Ownership and approval

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