

Child Safety Policy

1 Purpose

Coffs Harbour City Council provides and delivers programs and services that children access and use and council is committed to:

- Ensuring that Council's programs and services are safe for children and protects their welfare, wellbeing and, in particular, protects them from child abuse
- Ensuring that all Council workers (including volunteers, see definition) act in the best interests of a child and take all responsible steps to ensure a child's safety
- Establishing and implementing systems for child safety

The purpose of this policy is to document Coffs Harbour City Council's commitment to child safety that focuses on:

- Prevention
- Monitoring and Compliance
- Response

2 Policy

2.1 Prevention

Council believes that prevention is the best approach to child safety and protecting children from child abuse. Council will:

- Review Council's programs and services to identify any potential child safety risks
- Develop and implement systems and processes for child safety
- Promote awareness in identifying child safety risks and their obligations under child protection legislation
- Promote an awareness and sensitivity to vulnerable children
- Establish recruitment systems to ensure all new and existing workers conducting child related work have a working with children check clearance in accordance with the Act or as otherwise determined by Council

2.2 Monitoring and Compliance

In order to ensure that programs and services for child safety are effective, Council will:

- Ensure that child safety hazards, risks and controls are regularly reviewed for their effectiveness and new child safety risks are identified
- Regularly review working with children check clearances with the Children's Guardian to ensure they remain up to date.
- Conduct child safety audits and inspections to identify areas of non-conformance and improvements in systems

2.3 Response

Council will ensure that it responds quickly and appropriately where child safety could be, or is, at risk. Council will:

- Encourage and facilitate workers to report situations where they feel children are at risk of harm (within the definition of reportable conduct)

- Act promptly for all complaints and allegations of child abuse and provide a system for reporting of all child abuse allegations that occur at council's programs and services by our workers ensuring such allegations are:
 - (a) treated with sensitivity, having regard to the privacy of individuals and their families
 - (b) investigated in an efficient and equitable manner
 - (c) promptly notified to the appropriate Government Authority
- Remove workers from working in child related work should a check or continuous monitoring result in an interim bar, refusal or cancellation of clearance. If the worker is a Council employee then the matter will be referred to the General Manager for determination; which may also result in termination of employment.
- Review and refer all cases to the General Manager where Council is made aware that a worker is charged or convicted of a child related offence, regardless of their role in Council

3 Definitions

Act: means the Child Protection (Working with Children) Act 2012 (NSW).

Child abuse: as defined in s227 of the Children and Young Persons (Care and Protection) Act 1998.

Child related offence: an offence listed in Schedule 2 of the act.

Child related work: means work (either paid or unpaid) involving face-to-face contact with children in a child related sector as designated by the Act, Regulation or otherwise as determined by Council.

Children/child: means a person(s) under 18 years of age.

Children's Guardian: means the Office of the Children's Guardian which is an independent statutory body managing the working with children check.

Interim bar: A bar (s17 of the Act) on the applicant or holder of a working with children check clearance from doing any of the following:

- a) engaging in child related work
- b) residing on the same property as an authorised carer
- c) residing on a property where a home based education and care service or family day care service is provided.

Programs and services: This includes Council programs, services, events, venues and facilities etc. when Council Workers are present and on duty as part of their work for Council.

Regulation: means the Child Protection (Working with Children) Regulation 2013.

Reportable conduct: means (s25A of the Ombudsman Act 1974):

- a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material (within the meaning of Division 15A of Part 3 of the Crimes Act 1900)), or
- b) any assault, ill-treatment or neglect of a child, or
- c) any behaviour that causes psychological harm to a child,

whether or not, in any case, with the consent of the child. Reportable conduct does not extend to:

- a) Conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
- b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or

- c) conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA of the Ombudsman Act 1974.

Risk of significant harm: as defined in s23 of the Children and Young Persons (Care and Protection) Act 1998.

Worker: For the purpose of this policy means any person who is engaged in work in any of the following capacities as:

- a) An employee,
- b) A self-employed person or as a contractor or subcontractor,
- c) A volunteer,
- d) A person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience)

Working with children check: means the background checking process which is a prerequisite for individuals engaged in child related work, and involves a full national criminal history check and a review of reported workplace misconduct.

Working with children check clearance/clearance: means an authorisation from the Children’s Guardian to engage in child related work.

4 Key Responsibilities

Position	Directorate	Responsibility
Mayor	Council	To lead councillors in their understanding of, and compliance with this policy.
General Manager	Executive	To lead staff (either directly or through delegated authority) in their understanding of, and compliance with this policy.
Directors	All Directorates	To communicate, implement and comply with this policy.
Council Leaders	All Directorates	To implement this policy.
Organisation Development	Business Services	Responsibility for recruitment and employment related processes.
All Council staff	Council	To comply with and follow the requirements of this policy.

5 References

- Anti-Discrimination Act 1977
- Ombudsman Act 1974
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Council’s Code of Conduct
- Council Volunteer Policy

6 Details of Approval and revision

- **Approval date:** 26/10/2017
- **Responsible Section:** [CHCC Section]
- **Superseded policies/procedures:**
- **Next review date:** 26/10/2021

Table of amendments

Amendment	Authoriser	Approval ref	Date

