

COUNCIL POLICY



Policy name	Safe Child, Young Person & Vulnerable Person Policy
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Abstract
To ensure compliance with current State and Federal Government child protection legislation and to protect children, young people and vulnerable people in the workplace.

Dates Enter dates as per following example: 21 Dec 2011.	Policy or amendment approved Policy or amendment takes effect Policy is due for review (up to 4 years)	11 Feb 2020 27 Mar 2020 27 Mar 2024
Endorsed by	Leadership Team at its meeting on 19 December 2019	
Approved by Enter meeting type, date and resolution no. once adopted	Gunnedah Shire Council, at its Ordinary Meeting of Council held 19 February 2020 Resolution number: 11.02/20	
Policy Custodian	Manager Governance & Legal	
Relevant to	All Employees, Volunteers, Work Experience Personnel	
Superseded Policies	Nil	
Related documents	Nil	
Related legislation	Child Protection (Working With Children) Act 2012 <i>Child Protection (Working with Children) Amendment Regulation 2014</i> Children and Young Persons (Care and Protection) Act 1998 <i>Local Government (State) Award 2014</i> <i>Ombudsman Act 1974 (NSW)</i> <i>The Commission for Children and Young People Act 1998</i> <i>The Child Protection (Prohibited Employment) Act 1998</i> <i>Child Protection Legislation Amendment Act 2014</i>	

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1. Purpose

The purpose of this Policy is to ensure compliance with current State and Federal Government child protection legislation and to protect children, young people and vulnerable people in the workplace.

2. Scope

This policy applies to all employees of Council and any individuals engaged by Council (in a paid or unpaid capacity).

3. Definitions

- Children: Persons under the age of 18 years

- Young person: Persons aged 15 to 18 years.

- Vulnerable person: Person aged 18 years and above who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

- Child related work: Face to face contact with children in a child related sector or work in a stipulated child related role

- Head of agency: The General Manager

- Prohibited Person: A person convicted of a sex offence is not allowed to work, or to continue to work, with children. It is also an offence for a prohibited person to apply for a position working with children.

- Reportable conduct: Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child.

Any assault, ill-treatment or neglect of a child.

Any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

- Worker: Any person who is engaged in work as an employee, councillor, contractor or sub contractor, work experience participant, facility hirer, labour hire, volunteer and/or student placement.

Working with
Children Check

(WWCC): Includes a national police check and review of finding of misconduct involving children. The result is either a clearance or a bar.

WWCC Bar: The result of a WWCC that does not allow an employer to engage the person in a child-related role.

WWCC Clearance: An authorisation to engage in child-related work.

4. Policy statement

Gunnedah Shire Council (Council) aims to provide a safe environment for children, young people and vulnerable people who use or access Council's services. Council is committed to fulfilling its duty of care by endeavouring that all workers act in the best interests of a child and take all responsible steps to ensure a child's safety. Our organisation will maintain a rigorous and consistent recruitment, screening and selection process using interviews, references and the WWCC. Child protection legislation prohibits anyone working in a child-related role who does not have a valid WWCC clearance or who has a WWCC bar.

5. Policy Principles

5.1 Valid WWCC Clearance

The *Child Protection (Working with Children) Act 2012* provides that employers should not employ new workers or continue to employ existing workers in a child-related role if they do not hold a valid WWCC clearance. Council will endeavour to ensure that all workers engaged by Council in a child-related role, or working closely with children, will have a valid WWCC clearance number.

5.2 Mandatory Reporting

In accordance with the *Children and Young Persons (Care and Protection) Act 1998*, Council staff in child related employment have a mandatory requirement to report to the Department of Community Services (DoCS) if they believe on reasonable grounds that a child, young or vulnerable person is in need of protection due to being at risk of being physically or sexually abused or ill-treated. Mandatory reporting requirements apply only to a child or young person under 16 years of age. In addition, the General Manager must be made aware of any allegation of child abuse made against a person employed or engaged by Council, whether or not there is any supporting evidence that the abuse has taken place.

5.3 Responsibility

5.3.1 Designated Government Agency:-

Council is considered a designated government agency under the definitions of the *Ombudsman Act 1974*. Section 25A(c) of the *Ombudsman Act* defines a designated government agency as any other public authority prescribed by the regulations for the purpose of this definition. Section 5 of the *Ombudsman Act 1974* provides that a public authority is a local government authority.

5.3.2 General Manager/Delegate Accountable For:-

The General Manager (GM) is the Head of Agency pursuant to Section 25A of the *Ombudsman Act* 1974. The GM's delegate with respect to this role will be the Manager of People and Culture. The delegate is responsible for:-

- Ensuring there are systems for preventing, handling and responding to allegations or convictions of reportable conduct against a worker of Council;
- Providing, when requested by the Ombudsman, information about the type and operation of those systems;
- Notifying the Ombudsman of any reportable allegation or conviction against a worker of Council within 30 days of becoming aware of the allegation or conviction;
- Notifying the Ombudsman, whether or not the Head of Agency plans to take any disciplinary or other action, in relation to a worker who is the subject of an allegation or conviction and the reasons for taking or not taking any such action;
- Reporting convictions or allegations against workers to the Ombudsman regardless of Council's opinion as to the seriousness or accuracy of the allegation;
- Investigating all reportable allegations against workers regardless of whether the Department of Family and Community Services or police choose to investigate or not. Council is required to undertake its own independent investigation in relation to reportable allegations made against workers;
- Determining what disciplinary action, if any, will be taken against the employee after the initial investigation has been completed;
- Notifying the NSW Commission for Children and Young People of:-
 - Relevant completed disciplinary proceedings taken as a result of an allegation/conviction of abuse by an employee; and
 - Applicants who have not been offered child-related employment as a result of assessment by approved screening agency.

5.3.3 Senior Management Accountable For:-

- Modelling appropriate workplace behaviours and monitoring the work environment so that acceptable standards of conduct are observed at all times;
- Endeavouring to make workers aware of, and understand, Council's Safe Child Policy;
- Treating all complaints seriously, equitably and confidentially and taking immediate action to notify Manager People & Culture;
- Notifying People and Culture prior to the engagement of any non Council employee involved in child related work so the appropriate verification check can be undertaken.

5.3.4 People & Culture Accountable For:-

- Manager People & Culture to act as the Child Safety Contact Person to manage all complaints;
- Establishing that existing employees are not 'prohibited' persons and to only employ a person who is not a 'prohibited' person in a child related role;
- Implementing the process to be followed when managing complaints;
- Informing and consulting with staff regarding WWC requirements;
- Supporting Managers to determine child related roles within the organisation and for the ongoing management of the process;
- Verifying the worker's WWCC number;
- Keeping a record of the worker's clearances including WWCC number, its expiry date and the date of the employer's verification;

5.3.5 Workers are Accountable For:-

- Informing People & Culture of the need for a WWCC clearance number if a role is deemed child-related;
- Notifying People & Culture of any reportable allegation or conviction against an employee of which they become aware (either inside or outside of the workplace);
- Disclosing to the Manager People & Culture his/her status relating to the definition of a 'prohibited' person and to not apply for, or remain in, child-related employment if a 'prohibited' employee;
- Reporting to Manager People & Culture concerns that a child, young or vulnerable person may be 'at risk of harm'.

5.4 Barred Status of Workers Employed by Council

Should the check or continuous monitoring result in a barred status, the worker, if currently working in a child-related role, will be removed from that role. Should the worker be an employee of Council then the matter will be referred to the GM for determination which, depending on the circumstances, may also result in termination of employment.

6. Acknowledgements

Maitland City Council

Ballina Shire Council

Office of the Children's Guardian

7. Version control and change history

Date	Version	Approved by & resolution no.	Amendment
19 Feb 2020	1	Resolution 11.02/20	Placed on exhibition 20/02/2020 to 25/03/2020. No submissions, therefore policy adopted.
13/08/2021	1.1	Approved by GM 12/08/21	Minor amendment – revised role title.