

Interactions with Children and Young People Policy

Policy Administration

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Approved by	Council Meeting 28/11/2022 Council Resolution CCL09-22
Policy Type	<input type="checkbox"/> Executive Policy <input checked="" type="checkbox"/> Council Policy
Exhibition Period	Not applicable
Policy Owner	Manager Community and Early Learning Services Community and Culture Directorate
Related Legislation	<u>Advocate for Children and Young People Act 2014</u> <u>Child Protection (Offenders Prohibition Orders) Act 2004</u> <u>Child Protection (Offenders Registration) Act 2000</u> <u>Children's and Young Persons (Care and Protection) Act 1998</u> <u>Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015</u> <u>Children and Young Persons (Care and Protection) Regulation 2012</u> <u>Child Protection (Working with Children) Act 2012</u> <u>Child Protection (Working with Children) Regulation 2013</u> <u>Children's Guardian Act 2019</u> <u>National Redress Scheme for Institutional Child Sexual Abuse Act 2018</u> <u>Privacy and Personal Information Protection Act 1998</u>
Related Documents and Council Policy	<i>Council's Child Protection Action Plan</i> <i>Child Protection Risk of Significant Harm Reporting Flowchart</i> <i>Allegations Against Council Representatives Involving Children and/or Young People Procedure</i> <i>Working with Children Check Verification Procedure</i> <i>Mandatory Reporter Guide (MRG)</i> <i>Royal Commission Final Report Recommendations (2017)</i> <i>NSW Child Safe Standards</i> <i>National Principles for Child-Safe Organisations</i> <i>The United Nations Convention on the Rights of the Child (1990)</i> <i>Georges River Council Code of Conduct</i> <i>Customer Feedback and Complaints Management Policy</i> <i>Information Security Framework Policy</i> <i>Records and Information Management Policy</i>

Document Identifier	Policy #: Pol-087.01 Doc # D22/279885
Breaches of Policy	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
Record Keeping	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998 (including relevant disposal freeze notices), Georges River Council's Corporate Records Policy and adopted internal procedures.

Purpose

Georges River Council (Council) recognises the rights of children and young people to feel safe when accessing Council services. The purpose of the Interactions with Children and Young People Policy (the Policy) is to:

- Ensure that Council provides a safe environment for children and young people;
- Outline the professional and legal obligations of Council Officers, including staff and Councillors in relation to child protection; and
- Ensure that Council remains compliant with all legislation pertaining to child protection, including (but not limited to): mandatory reporting; recruitment and selection; and responding to reports of abuse.

Scope

This Policy applies to all Council Officers as defined in the Definitions Table below, which includes staff, Councillors, work experience participants, volunteers, students on placement, consultants and contractors.

This Policy should be read in conjunction with the following documents which form part of Council's Child Protection Framework:

- [Council's Child Protection Action Plan](#);
- [Child Protection Risk of Significant Harm Reporting Flowchart](#); and
- [Allegations Against Council Representatives Involving Children and/or Young People Procedure](#).

Definition of Terms

Term	Meaning
Abuse	A term used to refer to different types of harm or maltreatment. In this document it refers to types of harm or maltreatment that children and young people experience, including physical harm, sexual assault, exposure to domestic violence, psychological harm and prenatal risks.
Allegation	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 Council.
Child	A person who is under the age of 16 years.
Child Protection Helpline	A state-wide call centre run by DCJ that is available 24/7 and is staffed by professionally qualified caseworkers to receive and screen all reports about suspected abuse or neglect of a child or young person or those at risk of harm from abuse or neglect. The Helpline can be contacted on 132 111.
Child Protection Working Group	A group of representatives from across Council, who oversee identification, implementation and creation of policies, procedures and actions that enables Council to meet its objectives as a Child-safe organisation.
Child-related Work	Work which involves direct contact or interaction with a child or children, and where that contact is a usual part of and a primary purpose of the work or position.
Complaint	A form of feedback that expresses dissatisfaction towards Council, its policies, procedures, or the conduct of Council officers.
Council Officer	In this policy a Council Officer is taken to mean a Council Official, which is defined in Part 2 of Council's Code of Conduct, to include Councillors, members of staff of Council, contractors, administrators, community members of wholly advisory committees, members of the Audit Risk and Improvement Committee (ARIC), members of reference panels, Council committee members and delegates of Council. A Council Officer also includes others engaged by Council such as work experience participants, volunteers, students on placement and consultants.
Department of Communities and Justice (DCJ)	The NSW Government agency responsible for the care and protection of children and young people.
Investigation (of Reportable Allegations or Conduct)	The process in which Council: <ul style="list-style-type: none"> - gathers all relevant information - manages risks to children, young people, Council officials, and the organisation during an investigation - makes an assessment as to whether an allegation is reportable under the Reportable Conduct Scheme

	<ul style="list-style-type: none"> - notifies the Office of the Children’s Guardian of the Reportable Allegation or Conduct - makes a finding of Reportable Conduct including whether an allegation is sustained or not - provides information to assist any relevant employment proceedings.
Mandatory Reporters	A Mandatory Reporter is defined as an individual required under section 27 of the Children and Young Persons (Care and Protection) Act 1998 to report to the Child Protection Helpline when that person has reasonable grounds to suspect that a child, young person, or a class of children or young people, is at risk of significant harm from abuse or neglect, and those grounds arise during the course of, or from the person’s work. This includes people who deliver services, wholly or partly, to children and/or young people as part of their paid or professional work.
Mandatory Reporter Guide (MRG)	The Mandatory Reporters Guide is a decision-making tool to assist Mandatory Reporters to help determine how the suspected risk of significant harm of a child or young person is reported.
National Redress Scheme	The Australian Government established the National Redress Scheme in response to recommendations by the Royal Commission into Institutional Responses to Child Sexual Abuse. The National Redress Scheme provides redress to people who experienced institutional child sexual abuse, known as survivors.
Neglect	A term used to refer to a pattern characterised when a parent or caregiver cannot regularly provide a child or young person the basic requirements for their growth and development such as food, clothing, shelter, medical and dental care, adequate supervision and adequate parenting and care.
Redress	Redress refers to the acknowledgement of harm done. Under the National Redress Scheme, survivors are entitled to counselling, a direct personal response from the responsible institution and/or a redress payment.
Reportable Allegation	A Reportable Allegation in relation to a Council official means: <ul style="list-style-type: none"> a) if the official holds, or is required to hold a WWCC clearance for the purpose of their paid or professional work with Council; <ul style="list-style-type: none"> - an allegation that the official 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 with Council, or; b) if the official is not required to hold a WWCC clearance for the purpose of their paid or professional work with Council; <ul style="list-style-type: none"> - an allegation that the official has engaged in conduct that may be Reportable Conduct, unless the conduct is alleged to have occurred outside of the course of the official’s paid or professional work with Council.

Reportable Conduct	<p>Reportable conduct refers to the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:</p> <ul style="list-style-type: none"> - a sexual offence; - sexual misconduct; - ill-treatment of a child or young person; - neglect of a child or young person; - an assault against a child or young person; - failure to reduce or remove the risk of a child or young person becoming a victim of abuse or concealing child abuse; - behaviour that causes significant emotional or psychological harm to a child or young person.
Risk of Significant Harm (ROSH)	<p>Concern/s about a child or young person that are sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. It is something that is not minor or trivial and that may be reasonably expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or wellbeing. In addition, it can result from a single act or omission or an accumulation of these. Risk of significant harm is the NSW threshold to report child protection concerns to DCJ via the Child Protection Helpline.</p>
Survivor	<p>A person who has suffered sexual abuse that is within the scope of the National Redress Scheme.</p>
Working with Children Check (WWCC)	<p>The WWCC is a requirement for anyone who works or volunteers in child-related work (as previously defined) in NSW. The check provides either clearance to work with children for five years, or a bar against working with children.</p>
Young Person	<p>A young person can be defined in a variety of ways depending on the context. For the purpose of this policy a young person is a person who is over the age of 16 years but under the age of 18 years.</p>

Policy Statement

1. Council's Commitment

- 1.1. Georges River Council is committed to putting children first and championing child safety within our community. Council will actively advocate for the rights of children and young people; upholding our commitment as a child safe organisation.
- 1.2. All Council Officers are required to adhere to this Policy and ensure that all elements within are followed while keeping the safety and wellbeing of children and young people at the forefront of their mind and work practices.
- 1.3. Council will cater for the needs of children and young people and support them to have safe and enjoyable experiences within the Georges River community, including when accessing Council facilities and services.

- 1.4. Council will ensure the active participation of children and young people in the organisation by involving children and young people in Council decision-making, particularly in matters in which children and young people are affected.
- 1.5. Council is responsible and accountable for ensuring that all Council Officers are equipped with the knowledge and skills in order to respond to and report any child protection concerns through ongoing training and education.
- 1.6. Council must ensure that all Council Officers are informed of any legislative changes or requirements regarding child-safe organisations as well as ensuring that this Policy is easily accessible.
- 1.7. Council will maintain an active working group of "Child Safety Champions" comprised of staff representatives from all business units within Council. This group is responsible for overseeing the development of child-related policies and procedures and advocating for child safety within their areas of work.
- 1.8. This policy reflects Council's commitment to the:
 - a) [United Nations Convention on the Rights of the Child](#) and
 - b) [National Principles for Child Safe Organisations](#) (the National Principles).
- 1.9. The National Principles for Child Safe Organisations include:
 1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
 2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
 3. Families and communities are informed and involved in promoting child safety and wellbeing.
 4. Equity is upheld and diverse needs respected in policy and practice.
 5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
 6. Processes to respond to complaints and concerns are child focused.
 7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
 8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
 9. Implementation of the national child safe principles is regularly reviewed and improved.
 10. Policies and procedures document how the organisation is safe for children and young people.

- 1.10. The National Principles were developed by the Australian Human Rights Commission and reflect the ten Child Safe Standards (the CSS) recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. The National Principles have been endorsed by members of the Council of Australian Governments (COAG), including the Prime Minister and state and territory First Ministers, as a vehicle for giving effect to recommendations relating to the standards.
- 1.11. The Children's Guardian Amendment (Child Safe Scheme) Act 2021 (NSW) amended the Children's Guardian Act 2019 (NSW) to create a regulatory framework, the NSW Child Safe Scheme, which requires child-related organisations in NSW to comply with the CSS. The National Principles however were drafted to have a deliberately broader scope than the CSS which cover other forms of potential harm to children and young people in addition to child sexual abuse. In recognition of both the CSS and National Principles describing the necessary elements for child safe practices, the Office of the Children's Guardian considers organisations in NSW that are implementing the National Principles will be simultaneously implementing the CSS. As a result, Council has decided to apply the National Principles rather than the CSS.

2. Operational Procedures

2.1. Mandatory Reporting Risk of Significant Harm

2.1.1. 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 required to report their concerns to government authorities; the Police or the Department of Communities and Justice (DCJ) via the Child Protection Helpline (the Helpline). The Helpline receives reports via telephone on 132 111 or online via an e-report. Mandatory Reporters, and all other Council Officers, should follow the [Child Protection Risk of Significant Harm Reporting Procedure](#) when responding to reports of child abuse or neglect. Staff who are not classified as Mandatory Reporters according to their role, along with Council suppliers and any member of the community, can report concerns of child maltreatment to the Police on 000 or the Helpline on 132 111.

2.2. Selection and Recruitment

2.2.1. Council will meet legal requirements to ensure that only people with valid Working with Children Check (WWCC) clearances are engaged in child-related work. The WWCC is an essential part of Council'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.

2.2.2. People and Culture manage all selection and recruitment related WWCC's. This is in line with the *Child Protection (Working with Children) Act 2012* and the *Child Protection (Working with Children) Regulation 2013*.

2.2.3. Business units that engage external contractors or stakeholders to undertake child-related work are required to verify the WWCC clearance/s and file appropriate records in accordance with Council's Records Management Policy or local procedures. This is in line with the *Child Protection (Working with Children) Act 2012* and the *Child Protection (Working with Children) Regulation 2013*.

2.3. Allegations against Council representatives involving children and/or young people

2.3.1. Complaints and allegations against any Council Officer including staff, Councillors, as well work experience participants, volunteers, students on placement involving a child or young person will be handled in accordance with the *Children's Guardian Act 2019*.

2.3.2. This Act governs the following functions and responsibilities of the Children's Guardian (as is relevant to Council):

- Administration of the [Child Safe Scheme](#); and
- Administration of the [Reportable Conduct Scheme](#).

2.3.3. All Council officers are expected to engage in respectful and positive interactions with all children and young people that utilise Council services and facilities. As per the Reportable Conduct Scheme, Council is obligated to report child-related allegations involving Council officials that meet the threshold for reporting, following an investigation. When responding to an allegation against a Council officer that involves a child and/or a young person, the [Allegations Against Council Representatives Involving Children and/or Young People Procedure](#) must be followed.

2.4. Child Safe Organisation

2.4.1. Council advocates for the safety and wellbeing of children and young people in our community, which includes implementing best practices approaches pertaining to child safety.

2.4.2. Council considers children and young people in program planning, delivery and evaluation, and in physical and online environments.

2.4.3. Council adopts the Royal Commission Final Report Recommendations (2017) relevant to Local Government organisations including the CSS.

2.4.4. Council's "Child Safety Champions" collaborate on the identification, implementation and creation of policies, procedures and actions that enables Council to meet its objectives as a Child Safe Organisation.

2.5. Children and Young People's Records

2.5.1. Council has a responsibility to ensure that all records are kept private and confidential, particularly those that contain information and details about children and young people. In order to maintain confidentiality and ensure

their safety and wellbeing, access to children and young people's records is limited to specific staff, contractors and volunteers.

2.5.2. Generally, Council staff, volunteers and representatives in child-related roles have access to the records of children and young people who they work with.

2.5.3. Staff, volunteers and representatives that have access to children and young people's records must;

- a) respect the confidentiality and privacy rights of all persons;
- b) ensure that information stored is not divulged or communicated either directly or indirectly, to anyone other than permitted staff or individuals required by any act, law, or legislation;
- c) only access records or information for the purpose of work;
- d) never misuse information in any way; and
- e) ensure the appropriate use of images of children and young people.

2.5.4. Access to records involving children and young people vary dependant on the type of record. Staff, volunteers and representatives are required to consult Council's Information Management Team if they are unsure of a record's security access.

2.5.5. Archived and inactive files are maintained and stored safely and securely from unauthorised access. The retention and disposal of files will adhere to the NSW State Archives and Records General Disposal Authorities and the associated Council procedures.

2.5.6. Should an archived or inactive record become active again or be accessed for legal purposes, the officer accessing the information must advise the Information Management Team in writing to allow for a sentencing reassessment of this record.

2.6. National Redress Scheme

2.6.1. Council acknowledges the life-long impact of institutional child sexual abuse on survivors and is a participating institution in the National Redress Scheme (the Scheme). As a participating institution, if a survivor of child sexual abuse seeks access to the Scheme, Council is required to act with discretion, in good faith and use its best endeavours to assist people applying for redress by providing information to relevant authorities or stakeholders.

Responsibilities

Position	Responsibility
All Council Officers	<ul style="list-style-type: none"> Be aware of, and comply with, their responsibilities under the Interactions with Children Policy
Manager Community and Early Learning Services	<ul style="list-style-type: none"> Ensure the Interactions with Children Policy is included on Council's policy register and record management system. Provide a point of contact about the meaning and application of the Interactions with Children Policy.
Director Community and Culture	<ul style="list-style-type: none"> Ensure Council has a Policy and adequate procedures in place that provide compliance with relevant regulations and legislation.
General Manager	<ul style="list-style-type: none"> Ensure adequate systems and processes, policies and procedures are in place to prevent, detect and respond to abuse of children and young people. Investigate breaches and enforce compliance.

Version Control and Change History

Version	Amendment Details	Policy Owner	Period Active
1.0	New Georges River Council Interactions with Children and Young People Policy	Manager Community and Early Learning Services	28/11/2022 – 28/11/2025