

SECTION 1 - INTRODUCTION

1.1 BACKGROUND

This Policy links to Council's Operational Plan – Theme 1 Community Wellbeing. Goal 1: A safe community. The Children's Guardian Amendment (Child Safe Scheme) Act 2021 No 30 passed parliament on the 10 November 2021, outlining new responsibilities for organisations to protect and listen to their youngest residents and workers.

The Children's Guardian Act 2019 (Act) prescribes that a Local Government Authority is a Child Safe Organisation. The head of Child Safe Organisations must ensure the organisation implements the Child Safe Standards, provide a statement of the organisation's commitment to child safety, establish a child safe policy and implement a reportable conduct procedure .

S8D Systems, policies and processes

- (1) *The head of a child safe organisation must ensure the organisation implements the Child Safe standards through systems, policies and processes which may include, but are not limited to, the following—*
 - (a) *a statement of the organisation's commitment to child safety,*
 - (b) *a child safe policy,*
 - (c) *a code of conduct applying to the following—*
 - (i) *employees,*
 - (ii) *management, however described,*
 - (iii) *contractors,*
 - (iv) *volunteers,*
 - (d) *a complaint management policy and procedure,*
 - (e) *a human resources policy,*
 - (f) *a risk management plan.*
- (2) *The head of a child safe organisation must ensure the organisation implements a reportable conduct policy that addresses the matters in section 54(2).*
- (3) *The head of a child safe organisation must ensure the systems, policies and processes implemented by the organisation are continuously reviewed and updated to reflect—*
 - (a) *the Child Safe Standards, and*
 - (b) *recommendations made to the organisation by the Children's Guardian in—*
 - (i) *a monitoring assessment report under section 8W, or*
 - (ii) *an investigation report under section 8Z, and*
 - (c) *enforcement measures taken under Part 9A against the organisation by the Children's Guardian.*

The 10 Child Safe Standards focus on education and training across the organisation, policies and processes and engagement with children and young people. The 10 Child Safe Standards are:

1. Child Safety is embedded in institutional leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child sexual abuse are child-focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the institution is child safe

Fairfield City Council recognises the importance of the wellbeing of all children and young people. Children and young people are an important part of our community and it is essential that children are safe, while taking part in community life.

The Act, identifies several Prescribed Agencies that fund or regulate different services across Council including: Department of Local Government; Department of Education; Department of Communities and Justice and the Ministry of Health. Prescribed Agencies may require a Child Safety Statement of Compliance as part of annual contract reporting obligations.

1.2 PURPOSE

This Policy demonstrates Council's commitment to the safety and wellbeing of all children and young people. Council is committed to fulfilling its duty of care by endeavouring to ensure that all workers act in the best interests of children and young people and take all reasonable steps to ensure their safety.

This Policy outlines Council's approach to achieving its Legislative accountabilities as outlined in the Children's Guardian Act 2019 , other Legislation as outlined in section 1.5 and the 10 Child Safe Standards.

1.3 SCOPE

This Policy applies to all Council Officials, including Councillors, employees, contractors, sub-contractors, work experience participants, labour hire, volunteers and student placements.

1.4 DEFINITIONS

Word/Terms	Definition
Child/children	Any person under the age of 16 years.
Child Protection Officer	Director City Living
Child-related work	<p>Work, which involves direct contact by the worker with a child or young person under the age of 18 years, 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 but not limited to:</p> <ul style="list-style-type: none"> • education and care, child minding services or coaching; • child development; • health services; • disability services; • clubs or other bodies providing programs and services; • entertainment for children – includes sporting, cultural or other entertainment venues used primarily by children and entertainment services for children; and • transport services for children - including school bus services, taxi services for children with a disability and supervision of school road crossings. <p>It may also include a worker who has access to confidential records or information about children.</p> <p>https://legislation.nsw.gov.au/view/html/inforce/current/act-2012-051#sec.6</p> <p>A list of Council roles which undertake Child-related work can be found at</p>

	 <p>QMI-HR-023 - Risk Assessment for Child</p>
Council Officials	Any reference to 'Council Official' for the purpose of this Policy includes Councillors, employees, contractors or sub-contractors, work experience participants, labour hire, volunteers and student placements. Staff who undertake child-related work have additional obligations. <i>Code of Conduct</i>
Head of Entity	Council's Head of Entity is the General Manager.
Mandatory Reporters	People who deliver services, wholly or partly, to children as part of their paid or professional work. The Children and Young Persons (Care and Protection) Act 1998 regulate this. This includes, but not limited to, professionals working in health care; welfare; education; children's services; residential services and law enforcement.
National Redress Scheme	The National Redress Scheme provides support to people who experienced institutional child sexual abuse. Councils and mayors specifically, have new obligations under these reforms, which the State Government has committed to. Councils were signed up to the National Redress Scheme by the NSW Government, which will underwrite any financial liability. https://www.nationalredress.gov.au/about
Reportable Allegation	A reportable allegation in relation to an employee of the Council, means: 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 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. Children and Young Persons (Care and Protection) Act 1998
Reportable Conduct	Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded: a. a sexual offence, b. sexual misconduct, c. ill-treatment of a child, d. neglect of a child, 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. Children and Young Persons (Care and Protection) Act 1998
Reportable Conduct Scheme	The reportable conduct scheme monitors how organisations (relevant entities) investigate and report on types of conduct made against their employees, volunteers or certain contractors who provide service to children. When the Head of Entity becomes aware of a reportable allegation or a reportable conviction, the head of that entity must notify the Children's Guardian within seven (7) business days and conduct an investigation into the allegations.
Working with Children Check (WWCC)	The WWCC is a requirement for any non-exempt person who works or volunteers in child-related work in NSW. The check provides either clearance to work with children for five years, or a bar against working with children. See Council's Pre-Employment Screening for Child Related Roles Policy for identified role requiring a WWCC.
Young Person	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.

1.5 LEGISLATIVE CONTEXT

Name
<i>Advocate for Children and Young People Act 2014</i>
<i>Child Protection (Working with Children) Act 2012</i>
<i>Child Protection (Working with Children) Amendment Statutory Review Act 2018 (NSW)</i>
<i>Child Protection (Working with Children) Regulation 2013 (NSW)</i>
<i>Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015</i>
<i>Children and Young Persons (Care and Protection) Act 1998</i>
<i>Children's Guardian Act 2019</i>
<i>Children's Guardian Amendment (Child Safe Scheme) Act 2021</i>
<i>Civil Liability Amendment (Organisation Child Abuse Liability) Act 2018</i>
<i>Crimes Act 1990</i>
<i>Criminal Legislation Amendment (Child Sexual Abuse) Act 2018</i>
<i>National Disability Insurance Scheme Act 2013</i>
<i>National Disability Insurance Scheme (Practice Standard – Worker Screening) Rules 2018</i>
<i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth).</i>
<i>NSW Child Safe Standards</i>
<i>NSW Children (Education and Care Services National Law Application) Act 2010</i>
<i>NSW Children (Education and Care Services National Regulation) 2011</i>
<i>NSW Local Government (General) Regulation 2005</i>
<i>NSW Local Government Act 1993</i>
<i>Ombudsman Act 1974</i>
<i>Privacy and Personal Information Protection Act 1998</i>
<i>State Records Act 1998</i>
<i>United Nations Convention on the Rights of the Child (1990)</i>

SECTION 2 – POLICY

2.1 POLICY STATEMENT – Statement of Commitment

Fairfield City Council's Statement of Commitment to Child Safety according to Section 8D of the Act.

1. At Fairfield City Council we will

- **PROVIDE SAFE AND FRIENDLY SPACES** - *where children and young people are safe and feel safe*
- **ENGAGE AND EMPOWER CHILDREN AND YOUNG PEOPLE** - *where they can have a say in decisions that affect them*
- **PROTECT CHILDREN AND YOUNG PEOPLE'S SAFETY AND WELLBEING** - *by making sure we report child safety concerns*
- **BUILD A CULTURE OF CHILD SAFETY** - *by implementing the NSW Child Safe Standards*

Attachment A: See: Child-friendly Statement of Commitment

2.1 OBJECTIVE AND GOALS

2.1.1 Fairfield City Council Code of Conduct (00-1) made under section 440 of the Local Government Act 1993 and the Local Government (General) Regulation 2005 established the minimum standard of conduct for Council Officials. Specifically, Part 3 General Conduct Obligations, prescribes that Council Officials must comply with standards of the Code.

2.1.2 Council will promote the health, safety and wellbeing of children and young people.

- 2.1.3 Council will provide a safe environment for children and young people whilst on Council premises and utilising Council services.
- 2.1.4 Council will embed the 10 *NSW Child Safe Standards* into practice over time.
- 2.1.5 Council will ensure children and young people are listened to and engaged in decisions.
- 2.1.6 Council will ensure all Council Officials engaged in Child-Related Work have a valid Working with Children Check clearance number as per the Child Protection (Working with Children) Act 2012 and Child Protection (Working with Children) Regulation 2013.
- 2.1.7 Council will ensure Key Personnel engaged in providing NDIS services have a valid NDIS Worker Screening Check in accordance with the National Disability Insurance Scheme (Practice Standards – Worker Screening) Rules 2018.
- 2.1.8 Council will ensure that all Council Officials undertaking Child-Related Work complete the QMF-HR_117 Child Safe Code of Conduct Declaration, upon commencing employment and when WWCC renewals are submitted. The Declaration is an additional measure to the Code of Conduct for Child-Related Workers only.
- 2.1.9 In accordance with the Children and Young Person (Care and Protection) (Child Employment) Regulation 2015, Council will not engage children under 10 years of age for payment including performance art, promotional work or any other employment activity.
- 2.1.10 Council Officials must comply with legal requirements and adopted procedures and report known, suspected or alleged child abuse, misconduct or inappropriate behaviour. See Reportable Conduct Procedure.
- 2.1.11 Council will ensure Council Officials are inducted in child safety and understand that child safety is everyone's responsibility.
- 2.1.12 Council is committed to promoting cultural safety and a safe environment of all children, including Aboriginal children, children from culturally and/or linguistically diverse backgrounds, children with a disability and gender diverse children.
- 2.1.13 Council will continue to strengthen our child safe practices. We will ensure child safety is embedded in our organisational governance processes, practices and culture including:
- recruitment and employment
 - code of conduct
 - risk management
 - contract management
 - records and privacy management
 - corporate governance
 - how we engage with children and young people
 - supporting our employees to identify child safety concerns and report them.

2.2 COUNCIL'S DIRECT INTERACTIONS WITH CHILDREN AND YOUNG PEOPLE

The following outlines Council activities that directly involves Council Officials interacting with children and young people.

Service Statement	Activity Description	Activity
Children and Family Services	<ul style="list-style-type: none"> • 5 Long Day Care, 4 Multipurpose, 5 preschools and 1 Family Day Care scheme • Fairstart Early Intervention services: NDIS services to 0-12 yrs; and supported playgroups 	Education Care Allied Health Consultation
Communications and Marketing	<ul style="list-style-type: none"> • Civic events, launches and Australia Day events • Social media 	Events On-line

	<ul style="list-style-type: none"> Community engagement Civic education programs (schools) 	Approvals Consultation Education
Leisure Centres and Fairfield Youth and Community Centres	<ul style="list-style-type: none"> Aquatics: learn to swim and pool supervision Dry Recreation: gym, health and fitness programs Community Programs: ACTIVEkids, ActiveGator etc. Aquatopia waterpark Carnivals, Schools and sporting clubs Crèche and holiday programs Fairfield Youth and Community Centre: recreation, youth programs and school holiday care NDIS for Active Recovery Rehabilitation 	Education Care Allied Health Supervision Events Care
Fairfield City Open Libraries	<ul style="list-style-type: none"> Resources, programs, events, online activities and volunteers 	Education Events Programs Consultation Volunteers
Fairfield City Museum and Gallery	<ul style="list-style-type: none"> Exhibitions, programs, school tours, school holiday programs, social history programs and volunteers 	Education Events Programs Consultation
Social Planning and Community Development	<ul style="list-style-type: none"> Youth Advisory Committee Children and youth programs and events Youth leadership and advocacy Family support and education 	Events Programs Advocacy Consultation
Natural Resources	<ul style="list-style-type: none"> Education, events and volunteers Environmental volunteer programs 	Education Events Volunteers
Major Events	<ul style="list-style-type: none"> Events, training and volunteers 	Events Education
Place Management	<ul style="list-style-type: none"> Events, activation and volunteers 	Events
Waste Services	<ul style="list-style-type: none"> Educational programs and events Volunteer Programs 	Education Events Volunteers
Employees/students	<ul style="list-style-type: none"> Employees, apprenticeships, trainees and work experience students 	Employment Volunteers

2.3 ROLES & ACCOUNTABILITIES

2.3.1 General Manager (Head of Entity)

- Council is considered a relevant entity and reporting body as per the Reportable Conduct Scheme and under the Children’s Guardian Act 2019 must have a “Head of Entity”. Council’s Head of Entity is the General Manager.
- The Head of Entity is required to ensure the Children’s Guardian is notified of reportable allegations and convictions against employees in accordance with Children’s Guardian Act 2019.
- Ensure systems, policies and processes are in place to adhere to the Act, Children’s Guardian Act 2019 and other Legislation as outlined in section 1.5.
- The Head of Entity must ensure adequate policies, procedures, processes and systems are in place to prevent, detect and respond to allegations of abuse of children and young people.
- Embed a culture that promotes the health, safety and wellbeing of children and young people in Council activities as well as the Fairfield City community.

2.3.2 Executive Leadership Team

- Oversee the development and implementation of the Child Safe Policy and Child Safe Standards across the organisation.
- Ensure systems, policies and processes are in place to adhere to the Act, Children’s Guardian Act 2019 and other Legislation as outlined in section 1.5.
- Ensure compliance with Legislative obligations including the Reportable Conduct Scheme.
- Notifying the Head of Entity, Child Protection Officer and Director People and Culture of any reportable allegation.
- In consultation with the Child Protection Officer and Director People and Culture undertake a complaints assessment process, in line with Council’s Complaint Management Policy, to determine responsible officer/s for investigating the matter and to ensure notifiable allegations are reported in accordance with reporting obligations.
- Embed a culture that promotes the health, safety and wellbeing of children and young people in Council activities as well as the Fairfield City community.

2.3.3 Divisional Managers

- Ensure systems, policies and processes are in place to adhere to the Act, Children’s Guardian Act 2019 and other Legislation as outlined in section 1.5.
- Oversee the implementation of the Child Safe Standards across their Division.
- Notifying the Children’s Guardian of reportable allegations and convictions against employees in accordance with Children’s Guardian Act 2019.
- Notify the relevant Director Child Protection Officer and Director, People and Culture of any reportable allegation.
- Determining child-related roles within the Division, supported by the People and Culture Team.
- Ensure that Council Officials involved in Child-Related Work and/or who are Mandatory Reporters are suitable and supported through fit for purpose recruitment and selection processes including:
 - appropriate WWCC and NDIS Worker Screening Check are in place and verified; and
 - the provision of a regular program of child safety training and inductions that ensure Council Officials are aware of their legal responsibilities and are confident in reporting of known, suspected or alleged child abuse, misconduct or inappropriate behaviour; and
 - 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.
- Ensure that Council Officials undertaking child-related work complete the QMF-HR-117 Child Safe Code of Conduct Declaration, upon commencing employment and upon renewal of WWCC.
- Embed a culture that promotes the health, safety and wellbeing of children and young people.

2.3.4 Director, People, Culture and Strategy

- In consultation with Divisional Managers, determine Child-Related Roles within the organisation and oversee the Pre-Employment Screening for Child Related Roles Policy.
- Ensure WWCC and NDIS Worker Screening Check are verified, recorded and monitored including expiry date, along with Child Safe Code of Conduct Declarations.
- In consultation with the Child Protection Officer and relevant Director, assess allegations, in line with Council's Complaint Management Policy and determine responsible officer/s responsible for investigating matter.
- Embed a culture that promotes the health, safety and wellbeing of children and young people in Council activities.

2.3.5 Child Protection Officer

- Director, City Living has been appointed as the Child Protection Officer and responsibilities include:
 - Provide ongoing support and resources to concerns about the safety and wellbeing of children while engaged in services, programs or events delivered by Council
 - Ensure appropriate notification to the Office of the Children's Guardian (NSW) when an allegation (of which they are aware) of child abuse is made against a Council Official.

2.3.6 Council Officials

Council Officers must within the roles and responsibilities of their position:

- Be aware and comply with obligations relating to Child Protection outlined in Section 3 of the Code of Conduct and Legislation as outlined in section 1.5.
- Must comply with legal requirements and adopted procedures and report known, suspected or alleged child abuse, misconduct or inappropriate behaviour.
- Provide a child-safe and child-friendly environment where children and young people are safe, feel safe, and are able to actively participate in decisions that affect their lives.
- Actively listen to and empower children and young people.
- Required to participate in training and be aware of the Child Safe Policy and Child Safe Standards.

2.4 CONSULTATION, MONITORING, EVALUATION & REVIEW

Council has established a Customer Feedback Process to ensure that customers are able to provide feedback and to enable improvement in service delivery. Council will measure how well we deliver our customer service against the standards, which are outlined in Council's Quality Management System.

Several Prescribed Agencies which provide Federal and State Government funding may require Council to complete an annual Child Safety Statement of Compliance.

SECTION 3 – GOVERNANCE

3.1 RELATED POLICIES / PROCEDURES

Reference	Policy Name
0-001a	Fairfield City Council Code of Conduct
HR026	Appropriate Workplace Behaviour Policy
HR006	Performance Management and Disciplinary Policy
0-014	Complaints Management Policy
QMP-HR-009	Child Safety Reporting Obligations including the Reportable Conduct Scheme
QMF-HR-117	Child Safe Code of Conduct Declaration
QMP-HR-010	Child Safety - Contractors, Sub-contractors, or Self Employed Persons screening requirements for Child Related Roles – Guidelines and Risk Assessment
QMF-HR 131	Reportable Conduct Form Risk Assessment
HR037	Pre-Employment Screening for Child Related Roles
	Relevant Divisional QM Documents

3.2 RESPONSIBILITY

The Director City Living has responsibility for review of this Policy in consultation with the Executive Leadership Team.

3.3 RISK

Risk management strategies are in place to identify, assess, and take steps to ensure child safety. To ensure Council maintains a child safe culture all Council Officials will be informed, resourced and supported to understand their role in providing a child safe environment.

3.4 REVIEW DATE

This Policy will be reviewed every 5 years or as required.

3.5 AUTHORISATION

This Policy was adopted by the Executive Leadership Team on the 15 June 2022.

This Policy was adopted by the Executive Leadership Team on the 7 August 2024.

Attachment 1

