



## LIBRARY SERVICE CHILDREN AND YOUNG PERSONS POLICY

### 1.0 Introduction

Children and young adults are core clients of NSW public libraries. The Berrigan Shire Library Service aim to provide child-safe and child-friendly environments together with practices to promote a wide variety of services to young people, including:

- 1; Fiction and non-fiction collections in a range of formats
- 2; Story time sessions, holiday programs and related activities
- 3; Access to the Internet
- 4; Information services such as reference assistance and homework help
- 5; Public space
- 6; Events and performances

As these services evolve, it is important to convey clear and consistent messages about the role and scope of public libraries in children's lives. The aim of these guidelines is to encourage uniformity and consistency in policy formation across the Library Branches of the Berrigan Shire.

**Child-safe** means taking steps to keep children safe from physical, sexual and emotional abuse.

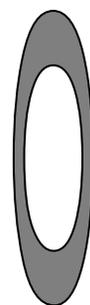
**Child-friendly** means children are valued, respected and included so they feel confident that they will be listened to.

### 2.0 Scope of public library service to young people

Berrigan Shire provides the communities with access to information and recreational materials through a wide variety of services and resources. The Library Service supports young people through the provision of collections and programs that foster an appreciation of literature and promote the development of information literacy skills.

While this philosophical underpinning enables our public library service to offer a broad range of services to young people, it also serves to define the categories of services offered. These categories are information and reader services, education and literacy support, access to public space and recreation. Notably, the public library brief in regard to services for young people does not include services provided professionally by other agencies, for example, child care and formal education.

#### 2.1 NSW library legislation





NSW public libraries operate under the Library Act 1939 and the Library Regulation 2005. Clause 14 of the Library Regulation 2005 defines the proper use of a library and, by extension, the scope of a library's services:

*A person must not, without the consent of the governing body for the library, use any library for any purpose than reading, consulting or borrowing the library material of the library services or information.*

### **3.0 Elements of a Library Policy for Young People**

The Berrigan Shire Library Service wish to include the following in these guidelines:

- 1; Welcome Statement
- 2; Service Statement
- 3; Parental responsibility statement
- 4; Child-safe, child friendly principles

#### **3.1 Welcome Statement**

Young people are core public library clients in their own right, and are potentially the future adult users and supporters of libraries. It is important to note the Berrigan Shire Library Service is committed to serving the information and recreational needs of young people. The library strives to provide a welcoming environment and provides targeted resources and programs to meet the needs of young people.

#### **3.2 Service Statement**

The Services to young people include:

- 1; Fiction, non-fiction and recreational books
- 2; Magazines
- 3; Computer games for in-library use
- 4; CDs and tapes
- 5; Videos and DVDs
- 6; Computer and Internet access
- 7; Assistance from staff in accessing collections and information
- 8; Homework help / online homework help through [Your Tutor] program
- 9; Story time and Holiday Programs
- 10; Space for activities and/or study
- 11; Techno Teen Workshops



12; Parents can expect staff to perform their utmost duty in attending to children's requests for information and ensure they are treated equally.

### 3.3 Parental responsibility statement

This Policy recommends that the parents, carers or guardians are responsible for the supervision of children attending the library under the age of 8 years.

Staff assist and monitor all clients but cannot be held responsible for the safety and wellbeing of small unattended children left alone for prolonged periods in the library.

Access to resources by children is restricted to the classification stated and cannot be borrowed unless permission is granted by a parent or guardian.

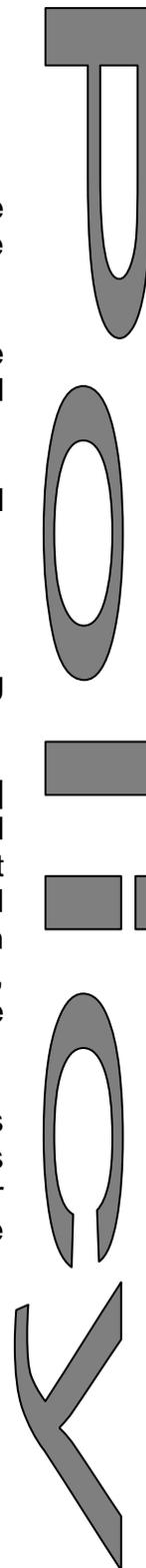
#### 3.3.1 Access to resources in a library's general collection

Library staff guide and assist young people in finding and accessing resources appropriate to particular interests and inquiries.

The Classification [*Publications, Films and Computer Games*] Act 1995 [Cth] sets up a national scheme for the classification of publications, films and computer games. A library's general collection may contain publications that have been classified "Unrestricted" and films and computer games classified "G" [General], "PG" [Parental Guidance], or "M" [Mature], in accordance with this Act. This material is available to all library users, including young people, without restriction. The library has no censorship role in its choice of the library resources that form the collection.

However, some parents/guardians may wish to regulate their children's access to these publications, films or computer games, based on the family's values or beliefs. In these circumstances, responsibility for monitoring or supervising the child's use of the general collection remains with the parent/guardian.

#### 3.3.2 Access to restricted materials





Public Libraries observe the Classification [Publications, Films and Computer Games Enforcement Act 1995] (NSW), which restricts the extent to which certain publications, films and computer games may be made available to the public, with particular restrictions for young people [under the age of 18].

Berrigan Shire Library Service implement appropriate display, screening and borrowing procedures to ensure young people's access to publications, films [including DVD's and videos] and computer games conform with the restrictions of the Classification Enforcement Act 1995 [NSW]

Section 53 of this Act has specific requirements for public libraries and staff in respect of any MA material [a film or computer game classification MA 15+] or restricted or Category 2 [ a film classified R18+ and a publication classified Category 1 restricted or Category 2 restricted]

- A young person [under the age of 18] must not be permitted to borrow restricted material; and
- A young person [under the age of 15] must not be permitted to borrow MA material without parental or guardian permission

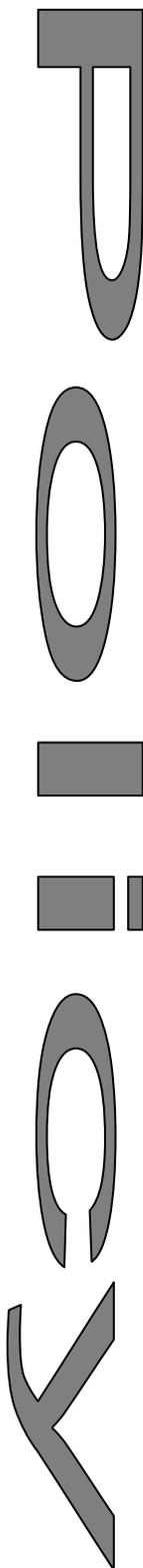
At present music CDs are not covered by the Classification Enforcement Act 1995 [NSW]. However under the Australian Recording Industry Association [ARIA] Code of Practice, music CDs with explicit language or other content are classified Level 1, 2 or 3 depending on the nature of content. Level 3 items are not recommended for people under the age of 18 years.

BLS have a very limited music CD collection. This collection is limited to nursery rhymes, children's songs and Australian ballad or poetry genre. Certain musical groups DVDs have been donated to the Service. These DVDs carry classifications which are clearly distinguishable and therefore appropriately managed by staff regarding borrower age groups and accessibility.

### 3.3.3 Access to electronic resources

Berrigan Shire Library Service promotes and supports public access to information. Staff assist clients in the use of electronic resources, including the Internet, recommend websites on particular subjects, and select appropriate websites for inclusion in the library's electronic collections.

Parents and guardians of young people are solely responsible for the young person's access to and use of the library's Internet facilities, including access to sites, their subject matter and content. Parents and guardians must ensure





that their children's use of the Library's Internet facilities accords with the BSLS Internet Policy.

Parents or guardians must read and sign the *BSLS Public Internet Guidelines and Conditions for Children under the age of 16 years Policy* before young people are granted access to the Internet when unaccompanied by an adult or guardian.

### 3.3.4 Unattended children

The Berrigan Shire Library Service offers a wide range of services that support the information, literacy, education and recreational needs of young people. BSLS does not, however, provide care facilities for children as part of the service. **The Libraries are not to be used by parents, guardians or carers as an alternative to children's services that provide licensed care facilities, such as, care by an agency or a day care facility.** Parents, guardians or carers that attempt to do so are potentially putting their child at risk of harm.

Libraries do not have the facilities or appropriate licences to attend to children who are sick, injured or hungry.

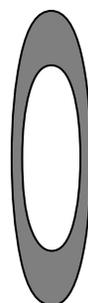
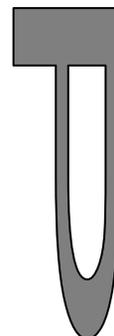
Clause 14 of the Library Regulation 2005 defines the proper use of a library. It is an offence to use a library for any other purpose.

*Clause 14: Proper use of a Library*

*A person must not, without consent of the governing body for the library, use any library for any other purpose than reading, consulting or borrowing the library material of the library or using any other service or information service.*

Unsupervised children may be at risk in any public place, including public libraries. Staff do not supervise children in the library so there is a risk that unattended children may leave the library at any time, hurt themselves, or be approached by strangers. Libraries are busy public places, open to all, and staff cannot judge which members of the public present a possible danger to children.

Young people left alone in a library can become stressed, bored or disruptive. Library users, including young people, who disturb other library users may be removed from the library under clause 17 of the *Library Regulation Act 2005*. :



*Removal under clause 17 of the Library Regulation 2005 [NSW]*

*The Library Regulation 2005 [in force under the Library Act 1939] gives library staff the power to exclude library users who interfere with any other person's use of the library. Libraries should determine local standards for acceptable behaviour and appropriate exclusion periods consistent with the provision in Part 3 of the Regulation. The maximum period of exclusion must be determined by the governing body of the Library. One year is a common maximum period for exclusion.*

*Clause 17 outlines the broad circumstances under which users may be directed to leave the library:*

*17 Library users may be directed to leave:*

- [1] A library staff member may direct any person to leave the library, and not to re-enter the library for such period as the library member directs, if the staff member is of the opinion that:*
- [a] The person has contravened any provision of this Part, or*
  - [b] The person's condition, conduct, dress or manner is likely to give offence to any person in the library or to interfere with any other person's use of the library.*
- [2] A person to whom such a direction is given must not fail to comply with the direction.*
- [3] The period for which a person may be excluded from the library by such a direction must not exceed the maximum period determined by the governing body of the library.*

When a young person becomes disruptive, and does not adhere to requests to behave and follow library procedures, there is a safety issue to the child and/or other patrons, therefore staff are advised to contact the child's parents to collect the child from the library. If a parent cannot be contacted, it is advised that the child be placed in a supervised room separate to the general library, or arrangements be made with a local occasional child care centre or failing this, the local police, to supervise the child until a parent, guardian or carer can be contacted to collect the child.

Children left unattended in a public library may be classed as a child or young person at risk of harm under section 23 of the *Children and Young Persons [Care and Protection] Act 1998* and may be reported as such to the Director-General of the Department of Community Services. Parents who



leave a child unattended in a public library are exposing their child to potential harm, and may be committing an offence under section 228 of the *Children and Young Persons [Care and Protection] Act 1998*

When a library staff member becomes aware that a child is left unsupervised in the library for a long period of time, parents/carers should be contacted, informed of library policy, and supplied with a list of local child care facilities. If the parent / carer chooses to ignore this policy or is not able to be contacted, a staff member has reasonable grounds to suspect the child is, accordingly, at risk of harm in accordance with section 23 of the *Children and Young Persons [Care and Protection] Act 1998*, the situation may be reported to the Director-General of the Department of Community Services.

BLS recommends disruptive children be warned twice regarding their behaviour and if this behavior continues, then the child is to be placed in a separate room for a period of time deemed appropriate as a cooling down period. Should the inappropriate behavior continue after the cooling down period, a parent / guardian be should be contacted to collect the child from the library.

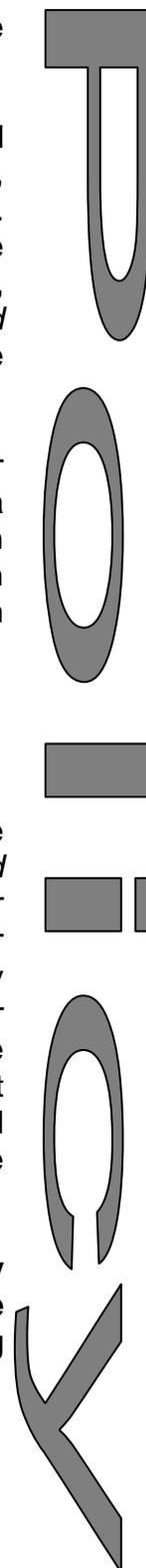
Banning a child from the library for an extended period is not recommended.

### 3.3.3 Unattended Children – Age

NSW legislation does not specify a minimum age at which children may be left unattended in public places. The *Children and Young Persons [Care and Protection] Act 1998*, is concerned with protection of children in particular circumstances, rather than with age alone. This approach is practical for public libraries. For example, a 7 year old child who uses the library constructively on his own for an hour every day after school while waiting for a parent is unlikely to be considered a problem, and is indeed a welcome client in all public libraries. On the other hand, a 10 year old child who is left at the library every day of the summer holidays from opening time until closing time is potentially at risk of harm, and represents an unreasonable burden for the public library staff.

As a guide for parents, guardians, carers and staff, **Berrigan Shire Library Service stipulate that children 8 years and younger must be accompanied by a parent, guardian, carer or older responsible sibling when visiting the library.**

### 3.4 Reporting Incidents



Any person can make a report of harm or risk of harm to a child or young person under Section 24 of the *Children and Young Person [Care and Protection] Act 1998*. Some have a legal obligation to do so under section 27 of that Act in respect of children under 16 years – these are known as mandatory reporters. The NSW Commission for Children and Young People advise that public library staff are not identified as mandatory reporters. If library staff deliver education or training services to children, s 27 may apply. In the event of a complaint being made it should be reported to the Director-General through the NSW Department of Community Services.

### 3.5 Child related employment

The NSW Commission for Children and Young People has advised that working in a NSW public library is not classified as “child-related employment”.

### 3.6 Working with Children Checks and Prohibited Employment Declarations

As work in public libraries is not identified in the legislation as “child-related employment” *Working with Children Checks* are not applicable to the public library staff. Similarly, *The Prohibited Employment Declaration* is not applicable to library staff and volunteers.

While there is no specific requirement to do so, Berrigan Shire Library Service Child and Young People Policy recommends all employees are screened using the *Working with Children Check* before commencement of employment with the Library Service.

#### Appendix 1 Professional values

- The ALIA [Australian Library and Information Association] *Statement on Free Access to Information* states “that freedom can be protected in a democratic society only if its citizens have access to information and ideas”.

This Statement also addresses censorship. Libraries should resist “attempts by individuals or groups within their communities to restrict access to information and ideas”. Collection material should not be rejected on the



grounds that its content is controversial or likely to offend some sections of the library's community.

- Librarians and Library Technicians operate under a code of professional ethics, articulated in the ALIA *Statement on Professional Conduct*, that encourages "intellectual freedom and the free flow of information and ideas". All public library staff regardless of qualifications should follow this code.
- The Library Council of NSW Guidelines Access to Information in New South Wales Public Libraries states that public libraries have "a role as an unbiased source of information and ideas, including online content. It must accept responsibility for providing free access to materials and information presenting, as far as possible all points of view on current and historical issues, including controversial issues."
- The UNESCO Public Library Manifesto which states that "Constructive participation and the development of democracy depend on satisfactory education as well as on free and unlimited access to knowledge, thought, culture and information"
- In its comments on these policy guidelines the NSW Office of Children and Young People suggest that relevant articles from the United Nations Convention on the Rights of the Child are noted by public libraries, including:

**Article 13;** Outlines the child's right to freedom of expression, to seek, receive and impart information and ideas.

**Article 29;** Outlines that children have the right to develop personality, talents, mental and physical abilities to their fullest potential.

**Article 31;** Recognises the right of children to leisure, play and recreational activities and the freedom to participate in cultural and artistic life.

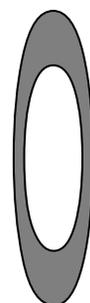
*Appendix 2. Classification [Publications, Films, and Computer Games] Act 1995 (Cth)*

#### Types of Classifications

- [1] The following are different types of classifications for publications in ascending order:

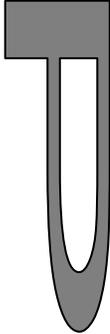
**Unrestricted**

**Category 1 Restricted**

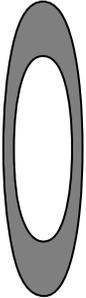


### Category 2 Restricted

**RC** Refused Classification

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- [2] The following are the different types of classifications for film in ascending order:

**G** General  
**PG** Parental Guidance  
**M** Mature  
**MA 15+** Mature Accompanied  
**R 18+** Restricted  
**X 18+** Restricted  
**RC** Refused Classification

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- [3] The following are the different types of classifications for computer games in ascending order:

**G** General  
**PG** Parental Guidance  
**M** Mature  
**MA 15+** Mature Accompanied  
**RC** Refused Classification



*Appendix 2a Public Library Exemption under the Classification [Publications, Films and Computer Games] Enforcement Act 1995 [NSW]*

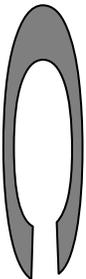
### 53 Exemptions for public libraries

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- [1] In this section:

MS Material means a film, or computer game, classified MA 15+.

Public library means the State Library of NSW or a local library within the meaning of the Library Act 1939.

Restricted material means:

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- [a] A film classified R 18+, and  
[b] a publication classified Category 1 restricted or Category 2 restricted.

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- [2] A public library, or any person employed in a public library, does not commit an offence under this Act in respect of any MA material or restricted material that is held in the library if the following requirements are complied with [whether by way of library rules or otherwise]:

- [a] the display or perusal of MA material and restricted material, and access to such material by members of the public, must be restricted in an appropriate manner,

- [b] MA material and restricted material must not be screened or demonstrated in the library in the presence of the public,
  - [c] minors must not be permitted to borrow restricted material,
  - [d] minors under 15 must not be permitted to borrow MA material without parental or guardian consent
- [3] In order to comply with subsection [2] [c], it is sufficient that:
- [a] the person borrowing the restricted material from the library [the borrower] produced to the person responsible for lending the material documentary evidence that might reasonably be accepted as applying to the borrower and as showing that the borrower was 18 or older, or
  - [b] the person responsible for lending the material believed on reasonable grounds that the borrower was 18 or older.
- [4] In order to comply with subsection [2] [d], it is sufficient that:
- [a] the person borrowing the MA material from the library [the borrower] produced to the person responsible for the lending the material documentary evidence that might reasonably be accepted as applying to the borrower and as showing that the borrower was 15 or older, or
  - [b] the person responsible for lending the material believed on reasonable grounds that the borrower was 15 or older [or that parental or guardian consent had been given]

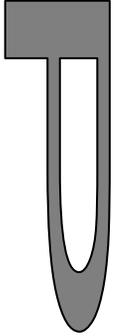
*Appendix 3 Children and Young Persons [Care and Protection] Act 1998 (NSW)*

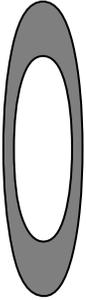
Relevant provision of the children and Young Persons [Care and Protection] Act 1998 are set out below.

**23 Child or young person at risk of harm**

For the purposes of this Part and Part 3, a child or young person is at risk of harm if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence of any or more of the following circumstances;

- [a] the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- [b] the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,

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- [c] the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
  - [d] the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious or psychological harm,
  - [e] a parent or other care giver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,
  - [f] the child was the subject of a pre-natal report under Section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimize to the lowest level reasonably practical, the risk factors that gave rise to the report.

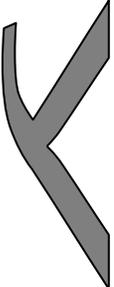
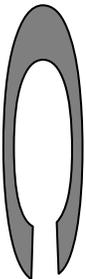


Note. Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given



#### **24 Report concerning child or young person at risk of harm**

A person who has reasonable grounds to suspect that a child or young person is, or that a class of children or young persons are, at risk of harm may make a report to the Director-General.



#### **27 Mandatory reporting**

[1] This section applies to :

- [a] A person who, in the course of his or her professional; work or other employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children, and
- [b] a person who holds a management position in an organization the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children.

[2] if:

- [a] a person to whom this section applies has reasonable grounds to suspect that a child is at risk of harm, and
- [b] those grounds arise during the course of or from the person's work, the person must, as soon as practicable, report to the Director-General the name, or a description, of the child and the grounds for suspecting that the child is at risk of harm.

[3] A person to whom this section applies satisfies his or her obligations under subsection [2] in relation to two or more children that constitute a



particular class of children if the person reports that class of children to the Director-General together with:

- [a] a description that is sufficient to identify all the children who constitute the class, and
- [b] the grounds for suspecting that the children of that class are at risk of harm.

### **228 Neglect of children and young persons**

A person, whether or not the parent of the child or a young person, who, without reasonable excuse, neglects to provide adequate and proper food, nursing, clothing, medical aid or lodging for a child or young person in his or her care, is guilty of an offence.

*Appendix 4 Civil Liability Act 2002 No.22 (NSW)*

### **5b General principles**

- [1] A person is not negligent in failing to take precautions against a risk of harm unless;
  - [a] the risk was foreseeable (that is, it is a risk of which the person knew or ought to have known) and,
  - [b] the risk was not insignificant, and
  - [c] in the circumstances, a reasonable person in the person's position would have taken those precautions.
  
- [2] In determining whether a reasonable person would have taken precautions against a risk of harm, the court is to consider the following (amongst other relevant things):
  - [a] the probability that the harm would occur if care were not taken,
  - [b] the likely seriousness of the harm,
  - [c] the burden of taking precautions to avoid the risk of harm,
  - [d] the social utility of the activity that creates the risk of harm.

Part 5 of the Civil Liability Act provides as follows:

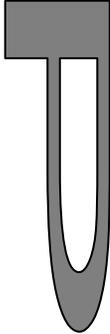
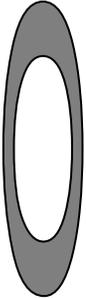
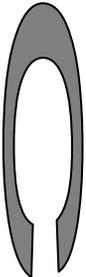
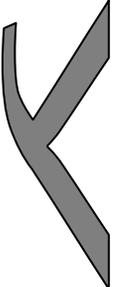
Part 5 Liability of public and other authorities

public or other authority means:

- [d] a local council, or

### **42 Principles concerning resources, responsibilities etc of public or other authorities.**

The following principles apply in determining whether a public or other authority has a duty of care or has breached a duty of care in proceedings for civil liability to which this Part applies:

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- [a] the functions required to be exercised by the authority are limited by the financial and other resources that are reasonably available to the authority for the purpose of exercising those functions,
  - [b] the general allocation of those resources by the authority is not open to challenge,
  - [c] the functions required to be exercised by the authority are to be determined by reference to the broad range of its activities (and not merely by reference to the matter to which the proceedings relate),
  - [d] the authority may rely on evidence of its compliance with the general procedures and applicable standards for the exercise of its functions as evidence of the proper exercise of its functions in the matter to which the proceedings relate.

*Bibliography:*

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- [2] NSW Commission for Children and Young People  
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- [6] Library Council of NSW Access to Information in NSW Libraries Guidelines, 2006  
<http://www.sl.nsw.gov.au/services/public%5Flibraries/policies>
- [7] UNESCO Public Library Manifesto, 2004.  
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- [8] United Nations Convention on Rights of the Child, 1989  
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(Adopted by Council 17/12/08)

