



Policy

37

CHILD-SAFE POLICY AND FRAMEWORK

Strategic Outcome:	Supported and engaged communities
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Responsible Officer:	Enterprise and Risk Manager
Document Control:	Replaces and revokes the Child Protection Policy 18 November 2020
Delivery Program Link:	3.1.1.1 Support and promote the healthy development and wellbeing of children and young people

1. POLICY STATEMENT

Berrigan Shire Council is committed to establishing and promoting a child safe organisation in accordance with the *Children's Guardian Act 2019*, and the Child Safe Standards. This Child Safe Framework (the Framework) is designed to provide guidance for all staff and volunteers around what is required to ensure:

- Conditions are created which reduce the likelihood of children being harmed;
- Conditions are created that increase the likelihood of identifying and reporting harm;
- Appropriate responses are made towards disclosures, allegations and suspicions of harm

2. PURPOSE

The Framework is designed to provide guidance for all Council workers, working with children, around what is required to ensure Berrigan Shire Council is providing a safe environment for children and young people and is meeting the requirements under the *Children's Guardian Act 2019*



Policy

3. SCOPE

This Framework relates to all contractors, volunteers and employees of the Berrigan Shire Council. Specifically, those workers who work within close proximity to children.

4. DEFINITIONS

Children are people aged under 18 years or a person apparently less than 18 years of age if the person's age cannot be proved.

Child Safe Standards are ten standards recommended by the Royal Commission following their inquiry into institutional responses to child sexual abuse and other related matters. Each standard is principle-based and focused on the outcome that the organization is seeking to achieve by implementing child safe strategies.

Emotional abuse is not a one off incident but rather a pattern of behaviour over a period. It affects a child's emotional, social, cognitive and intellectual development. It can include persistent behaviour by adults such as rejection, isolation, ignoring, hostility, yelling, criticism or exposure to family violence. It is the most common type of abuse experienced by children and is likely to be present alongside physical and sexual abuse.

Family violence exposure is when a child hears or sees a parent, sibling or other family member experience physical, sexual or emotional abuse. It could also be when a child sees the outcomes from the violence such as physical injuries to a person or damage to property.

Neglect is the failure to provide the basic necessities for emotional and physical development and wellbeing of a child. This includes food, safe and hygienic housing, appropriate clothing, access to medical treatment, personal hygiene and adequate supervision.

Physical abuse is when a child experiences deliberate physical injury or trauma. Most commonly it includes hitting but can also be biting, shaking, burning or poisoning. Under the Children's Guardian Act 2019, an assault can occur when a person intentionally or recklessly (i.e. knows the assault is possible but ignores the risk):

Policy

- Applies physical force against a child without lawful justification or excuse – such as hitting, striking, kicking, punching or dragging a child (actual physical force); or
- Causes a child to apprehend the immediate and unlawful use of physical force against them – such as threatening to physically harm a child through words and/or gestures and regardless of whether the person actually intends to apply any force (apprehension of physical force).

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 – a sexual offence is an offence of a sexual nature under a law of NSW, another state/territory, or the Commonwealth committed against, with or in the presence of a child, such as:

- sexual touching of a child;
- a child grooming offence;
- prediction, dissemination or possession of child abuse material.

An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorised as a reportable allegation of a sexual offence.

(b) sexual misconduct – the Children’s Guardian Act 2019 defines sexual misconduct to mean any conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence) and provides the following example:

- descriptions of sexual acts without a legitimate reason to provide the descriptions;
- sexual comments, conversations or communications;
- comments to a child that express a desire to act in a sexual manner towards the child, or another child.

(c) ill-treatment of a child – is conduct towards a child that is:

- unreasonable; and
- seriously inappropriate, improper, inhumane or cruel

Policy

Ill-treatment can include a range of conduct such as making excessive or degrading demands of a child; a pattern of hostile or degrading comments or behaviour towards a child; and using inappropriate forms of behaviour management towards a child.

(d) neglect of a child – means a significant failure – by a person with paternal responsibility for the child, or an authorised carer or an employee if the child is in the employee’s care – to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child that causes or is likely to cause harm to the child.

(e) Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child’s physical or psychological needs, or a single significant incident where a caregiver fails to fulfil a duty or obligation, resulting in actual harm to a child or where the failure is likely to cause harm. Examples of neglect include failing to protect a child from abuse and exposing a child to a harmful environment.

(f) an offence under section 43B or 316A of the Crimes Act 1900:

“Failure to reduce or remove risk of child becoming victim of child abuse”

“Concealing a child abuse offence”

Sexual abuse

is when an adult, child or adolescent uses their power and authority to involve a child in sexual activity. Sexual activity includes sexual intercourse and also a range of sexual behaviours that can be physical, verbal or emotional.

Worker

The Council will use the same definition under the Work Health and Safety Act 2011, and includes a person who carries out work in any capacity for the Council including work as an employee, volunteer, contractor, sub-contractor, work experience student or trainee, but for the purposes of this Framework also extends to Councillors.

5. POLICY IMPLEMENTATION

The Council has four objectives for ensuring the Child Safe Standards are adopted and used to guide decision making. These are:



Policy

1. All Council workplaces and events where children are present and encouraged to participate will be managed in accordance with the Child Safe Standards;
2. All workers involved in delivering services to children will understand their roles and expected standards of behaviour in relation to keeping children safe from all types of abuse and neglect;
3. All Council endorsed activities or events (including camps and excursions funded and/or supported by Council) will demonstrate compliance with the Child Safe Standards as a requirement to receive funding or support;
4. Existing and proposed Council facilities where children congregate, or frequent will be assessed for suitability and safety in accordance with Child Safe Standards and recommendations.

5.1 Child Safe Standards

The Child Safe Standards that make up the Framework together with examples of how we will apply these standards are listed below:

Standard	Statement	How do we do this?
Standard 1	<i>Child safety is embedded in organisational leadership, governance and culture.</i>	<i>The Council demonstrates a commitment to child safety through documentation, continuous review and improvement, behaviours and attitudes, that prioritise the safety of children</i>
Standard 2	<i>Children participate in decisions affecting them and are taken seriously.</i>	<i>Children will be consulted and encouraged to put their views forward on Council projects and services that affect them and their families</i>
Standard 3	<i>Families and communities are informed and involved.</i>	<i>Information around the Council's child safe practices are promoted and made available through a variety of mediums, and feedback reviewed and enacted where appropriate</i>

Policy

Standard	Statement	How do we do this?
Standard 4	<i>Equity is upheld and diverse needs are taken into account.</i>	<i>Diversity and inclusion will be considerations with Council projects and services; Staff will be trained to recognise and understand and respect the diverse needs of children, and adapt services accordingly</i>
Standard 5	<i>People working with children are suitable and supported.</i>	<i>Recruitment of workers working with children will emphasise child safety; Appointment will require probity checks and induction around child safety procedures</i>
Standard 6	<i>Processes to respond to complaints of child abuse (or other concerns) are child-focused.</i>	<i>Specific procedures in accordance with the Office of the Children's Guardian Reportable Conduct Scheme, and Mandatory Reporting under the Crimes Act 1900 are compliant and child-focused.</i>
Standard 7	<i>Staff are equipped with the knowledge, skills and awareness to keep children safe, through continual education and training.</i>	<i>All staff working with children will be required to undergo training to equip them with the knowledge required to enact the Child Safe Standards, and will be required to continually refresh their knowledge</i>
Standard 8	<i>Physical and online environments minimise the opportunity for abuse or other kinds of harm to occur.</i>	<i>Risks associated with physical and online environments are identified and mitigated where possible without compromising a child's right to privacy and healthy development</i>
Standard 9	<i>Implementation of the Child Safe Standards is continuously reviewed and improved.</i>	<i>The Council's focus is on continual improvement. Various mechanisms are used to continuously review the processes around child safety including document review, regular meetings and customer complaint systems.</i>

Policy

Standard	Statement	How do we do this?
Standard 10	<i>Policies and procedures document how the organisation is child safe.</i>	<i>Policies and procedures supporting child safety are developed in accordance with legislation and the Child Safe Standards, under Council's Integrated Management System, and are designed to be accessible and easily understood.</i>

5.2 Risk Management

Risks associated with each standard are identified and assessed, and mitigation strategies established in accordance with the Council's Risk Management Policy and Framework. The risks will consider gaps in current practices against the requirements under each standard, and identify strategies in accordance with legislation and best practice.

Risk assessments will also form part of ongoing reviews and continuous improvement procedures.

Identified risks and control measures will be included in the Council's corporate Risk Register.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Legislation

- *Children's Guardian Act 2019*
- *Child Protection (Working with Children) Act 2012*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Work Health and Safety Act 2011*
- *Crimes Act 1900*
- *Local Government Act 1993*

6.2 Council documents

- [Berrigan Shire Council Code of Conduct](#)
- [Risk Management Policy and Framework](#)
- [Berrigan Shire Council Children, Young People and Families Strategy 2020 – 2024](#)
- [Berrigan Shire Council Library Services Strategy 2016](#)

6.3 Other resources

- [A guide to the Child Safe Standards - NSW Office of the Children's Guardian](#)