

Definitions and General Information

Allegation

An allegation is a mere assertion made without proof, a declaration or an assertion made by a party, which they undertake to prove.

Allegations may be written or verbal and may be anonymous. An allegation must have the following elements:

- The person who is the subject of the allegation must be a current employee or have been an employee at the time the allegation was made and must be identifiable. This does not necessarily mean identified by name, as a person may be identifiable by other information including their description and work schedules of the agency
- It must refer to a description of behaviour that may constitute child abuse
- The alleged victim must have been a child or young person under the age of 18 years at the time of the alleged behaviour. The alleged victim may be an adult now and the alleged behaviour may have occurred years before.

Child

A child means as a person under the age of sixteen (16) years.

Note The term child is used throughout the related policy and procedure to mean child or young person.* Reference - Section 3 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW)

Young Person

Young person means a person who is aged sixteen (16) years or above but who is under the age of 18 years.

Note The term Young Persons is used throughout the related policy and procedure to mean child or young person.* Reference - Section 3 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW)

People and Performance

Responsible for coordinating all investigations into allegations of child abuse.

Child Safety Officer

Councils' nominated Child Safety Officer is the Manager People and Performance. The Child Safety Officer is responsible for performing statutory child protection functions. These include investigating allegations of suspected child abuse and neglect, and determining appropriate interventions in accordance with legislation, practice and policy guidelines.

Child Protection Explanatory Notes		
Owner: People and Performance	Accountability: People and Performance	Policy Number: CSH/009
Reference No.:	Date Approved: 25 November 2020	Endorsed By: Executive Team

Child and Young Person Abuse

Child and young person abuse means physical injury or sexual abuse of a child, a child suffering emotional or psychological harm of such a kind that the emotional or intellectual development of the child or young person is, or is likely to be, significantly damaged, or the physical development or health of a child or young person being significantly harmed.

Reference - Section 227 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW)

Child-Related Employment

Employment that involves physical contact or face to face contact with children or young persons and includes:

- paid employment whether full-time, part-time, temporary or casual
- contractors
- trainees undertaking training as part of an educational or vocational course
- individuals undertaking work experience.

Conviction

Conviction means a finding of guilt without the court proceeding to a conviction, in this State or elsewhere, of an offence involving:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material (within the meaning of Division 15A of Part 3 of the *Crimes Act 1900* (NSW)), or
- any assault, ill-treatment or neglect of a child, or
- any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

Designated Position

A City of Ryde position that has been designated as child-related employment (“CRE”) because the duties of the position include physical direct or face to face contact with children. The respective Director in consultation with the Manager People & Culture will designate positions as child-related employment and therefore requiring mandatory Working with Children Checks before offering any form of employment or engagement.

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Employee

An Employee is defined as:

- A person employed by Council;
- A volunteer (if the volunteer provides services to children);
- A contractor (and the contractor holds, or is required to hold, a working with children check clearance for the purposes of the engagement);
- A person who exercises official functions or acts in a public official capacity in the service of the Council.

Employment Screening

Employment screening in the context of the Child Protection Policy, is checking someone's suitability to work with children and aims to reduce the risk of abuse of children and young people by those individuals entrusted with their care. A mandatory screening requirement is a clearance through the Office of the Children's Guardian or approved agency.

Head of Agency

Under the Children's Guardian Act 2019, the Head of Agency is the Chief Executive Officer or other Principal Officer of the Agency. In the case of Council, the Head of Agency is the General Manager.

Mandatory Reporter

Anyone who is paid to provide health care, welfare, education, children's services or law enforcement wholly or partly to children under 16 years or who is directly responsible for the management or provision of those services are mandatory reporters. Mandatory reporters are legally obliged to lodge a child protection report when they have reasonable grounds to suspect that a child is at risk of significant harm and these grounds arise during the course of their work.

Work

Includes:

- full-time, part-time, temporary or casual employment;
- contracts or service agreements;
- voluntary activities;
- training undertaken as part of an educational or vocational course;
- paid or unpaid work experience.

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Council's Commitment

Council undertakes to:

- Identify and manage child related employment (“CRE”) so that a safe environment is maintained for children.
- Ensure that the recruitment and selection practices promote a child safe environment through the implementation of pre-employment screening, such as the mandatory requirement for prospective employees to obtain a Child Check Clearance;
- Meet any mandatory reporting requirements;
- Promote knowledge and understanding of child protection issues to all staff, contractors and volunteers;
- Conduct investigations into allegations or convictions of child abuse in a fair and sensitive manner while ensuring the safety, well-being and privacy of individuals.

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Responsibilities

Employee

- Notify their manager or supervisor, if they are being investigated or convicted of child abuse.
- Report any allegation of child abuse by any employee to the Manager People & Culture.

All Managers responsible for staff

- Identifying all positions considered to be “child related” within areas under their control.
- Report any allegation of child abuse by any employee to the Manager People & Culture.

Manager People and Performance

- Coordinate recruitment to ensure prospective employees have obtained a Working with Children Check clearance before any offer of child related employment is made
- Ensure systems are in place to manage CRE.
- Ensure the prompt investigations of all allegations or convictions of child abuse against employees.

Child Safety Officer

- Developing child safe messages in local government venues, grounds and facilities

Community Development

- Assist local institutions to access online child safe resources
- Provide child safety information and support to local institutions on a needs basis
- Support local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.

General Manager

- Responsible for establishing and maintaining systems for providing a safe environment for children in Council’s care (this also includes ensuring systems are in place for recording and responding to allegations or convictions against employees and meeting any mandatory reporting requirements).

People and Performance

- Ensure that all allegations of child abuse are dealt with in accordance with the statutory requirements and Council’s policy and procedures.
- Determine the most appropriate course of action and advise the reporting manager.
- Notifying the Department of Family and Community Services and/or the Office of the Children’s Guardian of all allegations or convictions of child abuse made against any employee within 7 days of the head of the Council being made aware. Additionally, provide a report to the Office of the Children’s guardian within 30 days detailing the findings of the report and the course of action to be taken by Council.

Note: you are only required to report to FACS issues where there is a current concern for the welfare of the child that the actions of your agency can’t address. A process of investigating employee misconduct

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will include putting in place actions to protect the child or children from further abuse.

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