

12 September 2022

At the conclusion of the Business and Economic Development
Committee

Resilient Communities Committee

Agenda

- 1. Confirmation of Minutes**
- 2. Statement of Ethical Obligations and Disclosures of Interest**
- 3. Adoption - Child Safety Policy**

Disclaimer, Terms and Guidelines for Speakers at Council Committees

As part of our democratic process, the City invites members of the community to speak directly to Councillors during Committee meetings about items on the agenda.

Webcast

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To enable the Committee to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at Committee to:

1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
2. Check the recommendation in the Committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the Committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

Committee meetings can continue until very late, particularly when there is a long agenda and a large number of speakers. This impacts on speakers who have to wait until very late, as well as City staff and Councillors who are required to remain focused and alert until very late. At the start of each Committee meeting, the Committee Chair may reorder agenda items so that those items with speakers can be dealt with first.

Committee reports are available at www.cityofsydney.nsw.gov.au

Item 1.

Confirmation of Minutes

Minutes of the following meetings of the Resilient Communities Committee are submitted for confirmation:

Meeting of 15 August 2022

Item 2.

Statement of Ethical Obligations

In accordance with section 233A of the Local Government Act 1993, the Lord Mayor and Councillors are bound by the Oath or Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Sydney and the City of Sydney Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

Disclosures of Interest

Pursuant to the provisions of the Local Government Act 1993, the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Councillors are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

In both cases, the nature of the interest must be disclosed.

This includes receipt of reportable political donations over the previous four years.

Item 3.

Adoption - Child Safety Policy

File No: X039015

Summary

This report seeks Council's approval of the Child Safety Policy.

The City of Sydney Child Safety Policy (Policy) outlines how the City meets its commitment and obligations to safeguard children's wellbeing and rights to reach their full potential, and by adopting strategies and acting to put the interests of children first and to keep them safe from harm.

The Policy applies to all full-time, part-time, casual, temporary and fixed term City Employees (and includes agency staff, students on placement, volunteers, and Councillors). The Policy also applies to the management of Contracted Services Providers delivering services involving Child-Related Work, either on behalf of or with the City.

The City's Child Safety Policy was last reviewed and approved by Council in September 2020 and minor updates have been made in accordance with the scheduled review period for the policy.

A full policy review to further improve accessibility and ensure updates of any key legislation, will be conducted in 2023/24. This further review will include key stakeholder consultation and will be brought to Council for endorsement.

This current review considered the requirements of the Child Safe Scheme introduced in February 2022 under the Children's Guardian Act 2019, and the requirement of local government authorities to embed the NSW Child Safe Standards into organisational culture, leadership and governance.

The NSW Child Safe Standards incorporate existing child safety compliance requirements including working with children checks; the reportable conduct scheme, mandatory reporting risk of significant harm and civil liability and criminal offences relating to failure to protect and failure to report.

The standards require organisations to go beyond a compliance mindset and adopt a continuous improvement mindset, implement risk management plans to prevent the abuse and harm of children and to expand the organisations focus to also consider children's overall wellbeing and healthy development in how they make decisions that impact children.

The City's child safety practices have been assessed against the NSW Child Safe Standards and found to meet the majority of the basic requirements of the NSW Child Safe Standards. The revised policy includes changes that:

- ensure consistency and alignment with the NSW Child Safe Standards;
- introduce a statement of commitment to child safety as required under Standard 1; and
- some minor housekeeping and editorial changes to better communicate our approach to child safety and commitment to children's wellbeing to the community.

The revised policy is shown at Attachment A with additions in bold, and deletions in strikethrough.

Recommendation

It is resolved that:

- (A) Council adopt the Draft Child Safety Policy as shown at Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to make minor amendments to the Child Safety Policy to correct any drafting errors and finalise design, artwork and accessible formats for publication.

Attachments

Attachment A. Child Safety Policy (with changes marked)

Background

1. The City of Sydney Child Safety Policy (Policy) outlines how the City meets its commitment and obligations to safeguard children’s wellbeing and rights to reach their full potential, and by adopting strategies and acting to put the interests of children first and to keep them safe from harm.
2. The Policy applies to all full-time, part-time, casual, temporary and fixed term City Employees (and includes agency staff, students on placement, volunteers, and Councillors). The Policy also applies to the management of Contracted Services Providers delivering services involving Child-Related Work, either on behalf of or with the City.
3. Accompanying the policy, plain English guidance material has been developed to explain the basic responsibilities of everyone working at the City, including Councillors.
4. The City’s Child Safety Policy was last reviewed and approved by Council in September 2020.
5. The Policy is a living document due to ongoing changes in this highly complex and rapidly evolving space and is regularly reviewed to ensure the City is compliant with and responsive to ongoing changes.
6. In 2020 the policy was elevated from a corporate to a council policy to enable the City to communicate to both our employees and to the community the City’s approach to child safety.
7. The policy has been reviewed in accordance with the scheduled review period for the policy and minor updates made to ensure consistency and alignment with current legislation, along with minor editorial changes.
8. A full policy review will be conducted in 2023/24. This review will include accessibility, updates against any changes to key legislation and/or the Child Safe Standards, along with stakeholder consultation and will be brought to Council for endorsement.

Scope of the policy review

9. This review has considered the requirements of the Child Safe Scheme introduced in February 2022 under the Children’s Guardian Act 2019, including the requirement for all local governments in NSW to meet the NSW Child Safe Standards.
10. The NSW Child Safe Standards incorporate existing child protection compliance requirements including working with children checks; the reportable conduct scheme, mandatory reporting risk of significant harm and civil liability and criminal offences relating to failure to report known abuse of children and failure to protect children in our legal care.
11. However, the standards also require organisations to go beyond a compliance mindset and to:
 - (a) adopt a **continuous improvement mindset**, where organisational culture is reformed to value children and put their needs first;
 - (b) focus on **child safety – preventing the abuse and harm** of children through a range of approaches including risk management; and

- (c) shift focus to include **children's wellbeing** and healthy development, including by empowering children to participate in decisions that affect them, to build their resilience by expanding their support networks by connecting with friends and community and by providing age appropriate, culturally safe and inclusive places and ways to be involved in community life.
12. The NSW Child Safe Standards are:
- (a) Child safety is embedded in institutional leadership, governance and culture;
 - (b) Children participate in decisions affecting them and are taken seriously;
 - (c) Families and communities are informed and involved;
 - (d) Equity is upheld, and diverse needs are taken in to account;
 - (e) People working with children are suitable and supported;
 - (f) Processes to respond to complaints of child sexual abuse are child focused;
 - (g) Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training;
 - (h) Physical and online environments minimise the opportunity for abuse to occur;
 - (i) Implementation of the Child Safe Standards is continuously reviewed and improved; and;
 - (j) Policies and procedures document how the institution is child safe.
13. The NSW Office of the Children's Guardian are currently taking a capacity building approach to support various sectors meet the requirements of the NSW Child Safe Scheme and meet the NSW Child Safe Standards.
14. The City's child safety policies, procedures and practices have been assessed against the NSW Child Safe Standards and found to meet the majority of the basic requirements of the NSW Child Safe Standards.
15. Outstanding obligations under section 8D of the Children's Guardian Act 2019 that the City must meet include having in place:
- (a) a statement of commitment to child safety; and
 - (b) a child safety risk management plan.
16. The City's Child Safety Risk Management Plan is in development and will be overseen by the Audit Risk and Compliance Committee.

Key changes to the policy:

17. This review of the policy has resulted in changes including:
- (a) A new Statement of Commitment to child safety and a greater focus on child wellbeing:
 - (i) The statement articulates the values and objectives behind the NSW Child Safe Standards in ways that are easy for everyone to understand. The commitment statement will underpin the City's child safety culture; and
 - (ii) If approved by Council, this will be published on the City's corporate website and other forms of City communications.
 - (b) Greater consistency and alignment with the NSW Child Safe Standards, for example:
 - (i) renaming the "Recruitment, Employee Conduct and Training" section to "Human Resource Management" in line with Child Safe Standards 5 and 7;
 - (ii) reframing the "Reporting and responding to child safety concerns" section to emphasise a child focused complaint system in line with Child Safe Standard 6;
 - (iii) more detail about the City's approach to child safety risk management - Child Safe Standards 1 and 8;
 - (iv) A new section on Engagement reflecting commitments already made in the City's Community engagement strategy and community participation plan adopted by Council in June 2022 – Child Safe Standards 2 and 3; and
 - (v) a new section on "Equity and Diversity" that articulates the City's ongoing commitment to taking diverse needs into account in line with Child Safe Standard 4.
 - (c) Minor housekeeping and editorial changes including:
 - (i) simplification of terminology. Currently the procedure refers to children (0-15 years) and young people (16 -17 years). Consistent with the guidance from the Office of the Children's Guardian, the term children will be used to apply to everyone aged under 18;
 - (ii) removal of some definitions where it is not essential to the understanding of the policy; and
 - (iii) housekeeping changes such as, changes to names of related policies and procedures, legislation and business units, sections and roles.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

18. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
- (a) Direction 1 – Responsible governance and stewardship - The NSW Child Safe Standards require that the City ensure Child Safety is embedded in corporate leadership, governance and culture.
 - (b) Direction 7: Resilient and diverse communities - The City of Sydney Child Safety Policy outlines how the City meets its commitment and obligations to prevent abuse and ensure the safety and well-being of the children for whom the City provides a service, and with whom the organisation has contact.

Organisational Impact

19. The City has in place numerous operational Child Safety procedures that give effect to the commitments in the Policy. The Child Safety Policy and related operational procedures will be regularly reviewed as we refine our approach to meeting the NSW Child Safe Standards and /or when new guidance material is issued by the Office of the Children's Guardian.
20. Meeting the NSW Child Safe Standards is a whole of organisation commitment. The City has established a Child Safety Program Control Group who will:
- (a) oversee ongoing reviews of operational procedures which will give effect the principles of the policy;
 - (b) oversee the development of child safety risk management plans; and
 - (c) foster a culture of continuous improvement for the City's child safety practices within the organisation.

Risks

21. The Office of the Children's Guardian is the regulator of the NSW Child Safe Standards. The City may be subject to Compliance Notices or Enforceable Undertakings should the Children's Guardian reasonably believe that children are or may be at risk of harm because the City's systems, policies or processes do not reflect or implement the Child Safe Standards.

Social / Cultural / Community

22. The City of Sydney recognises the importance of the wellbeing of all children and the significant lifelong impact that disrespect, harm and abuse can have long-lasting effects on healthy development, and that these can lead to serious lifelong consequences. The City recognises that abuse that occurs within an organisational context is not just a problem of the past, it continues today.

23. This policy articulates the City's commitment to child safety and wellbeing, to embedding the NSW Child Safe Standards into our organisational leadership, governance and culture and by adopting strategies and acting to put the interests of children first, to keep them safe from harm.

Financial Implications

24. Implementation of the Child Safety Policy will be managed within existing staff resources and operating budget.
25. Any additional costs associated with the implementation of the NSW Child Safe Standards will be subject to the annual operational budget process, and Council approval.

Relevant Legislation

26. Children's Guardian Act 2019
27. Child Protection (Working with Children) Act 2012
28. Children and Young Persons (Care and Protection) Act 1998
29. Civil Liability Act 2002
30. Crimes Act 1900
31. National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth)
32. NSW Children (Education and Care Services National Law Application) Act 2010

EMMA RIGNEY

Director City Life

Anna Rigg, Manager Social Policy

Attachment A

Child Safety Policy (with changes marked)

Child Safety Policy

Purpose

The City of Sydney (the City) recognises the importance of the wellbeing of all Children and young people, and the significant lifelong impact abuse can have on Children and young people. Children and young people are an important part of our society and it is essential that Children are safe while taking part in community life.

The City of Sydney Child Safety Policy (Policy) and Child Safety Procedures outline how the **Council of the City of Sydney (City)** meets its commitment and obligations to **safeguard Children’s Wellbeing and rights to reach their full potential, and by adopting strategies and acting to put the interests of Children first and to keep them safe from harm.**

We will achieve this by embedding the NSW Child Safe Standards into our organisational leadership, culture, and practice across the City.

prevent abuse and ensure the safety, welfare and well-being of the Children and young people for whom the City provides a service, and with whom the organisation has contact.

Scope

This Policy applies to all full-time, part-time, casual, temporary and fixed term City Employees (and includes agency staff, students on placement, volunteers, and Councillors).

The Policy also applies to the management of Contracted Services Providers (see Definitions) and grant and sponsorship recipients delivering services involving Child-Related Work, either on behalf of or in conjunction with the City.

Definitions

| Term | Meaning |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agency Staff | Temporary staff engaged by the City through a labour hire agency. For the purpose of this policy agency staff are considered City employees. |
| 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 the City. |
| Child / Children | For the purpose of this policy, a Child is a person aged 0-18 16 years. |
| Child Safety Law | Includes, as updated from time to time, the following legislation: <ul style="list-style-type: none"> • Child Protection (Working with Children) Act 2012 (NSW) • Child Protection (Working with Children) Regulation 2013 (NSW) • Children and Young Persons (Care and Protection) Act 1998 (NSW) • Children’s Guardian Act 2019 (NSW) • Children (Education and Care Services National Law Application) Act 2010 (NSW) |

| Term | Meaning |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Child Safety Risk Management Plan | <p>A Child Safety Risk Management Plan is an overarching description of how an organisation intends to keep Children safe.</p> <p>A Local Child Safety Risk Management Plan describes the risk management strategies implemented to protect Children from abuse and harm in a specific service, facility, venue, program or event.</p> |
| Child-Related Work | <p>Work which involves direct contact by the worker with a Child or Children 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:</p> <ul style="list-style-type: none"> • education and care and child-minding services • clubs or other bodies providing programs and services for Children • entertainment for Children – includes sporting, cultural or other entertainment venues used primarily by Children and entertainment services for Children • 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> |
| City Employee | <p>Any person engaged in work for the City of Sydney in any of the following capacities:</p> <ul style="list-style-type: none"> • full-time, part-time, casual, temporary and fixed term employees • Agency staff • volunteers • students on placement, and • for the purposes of this policy, Councilors. |
| Contracted Service Provider | <p>A third party contracted to provide goods, services or programs on behalf of or with the City. The Contracted Service Provider could be</p> <ul style="list-style-type: none"> • an organisation (including for profit and not for profit organisations, private companies or government entities) or • a sole trader - a business run by one person that is either run in the sole trader’s own name or a separate business name. An organisation or entity contracted to provide goods, services or programs involving child-related work on behalf of or in conjunction with the City, where that entity has been engaged as a result of informal and formal procurement processes such as Request for Quotations (RFQs), Tenders, Expressions of Interest (EOIs), and one-off or standing purchase orders |
| Direct Contact | <p>Means physical or face-to-face contact and contact online.</p> |

| Term | Meaning |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hiring Manager | The City employee who plans, assesses and appoints candidates to vacant positions in line with the City Recruitment and Selection Policy. |
| Ill-treatment of a Child | <p>Means conduct towards a Child that is unreasonable and seriously inappropriate, improper, inhumane or cruel.</p> <p>Ill-treatment includes:</p> <ol style="list-style-type: none"> 1. making excessive or degrading demands of a child 2. a pattern of hostile or degrading comments or behaviour towards a child 3. using inappropriate forms of behaviour management towards a child |
| Investigation (of Reportable Allegations or Conduct) | <p>The process in which the City of Sydney:</p> <ul style="list-style-type: none"> • gathers all relevant facts • manages risks to Children, employees and the organisation during an investigation • makes an assessment as to whether an Allegation is reportable under the Reportable Conduct Scheme • notifies the Children’s Guardian of the Reportable Allegation or conduct • makes a finding of Reportable Conduct including whether an Allegation is sustained or not, and • provides information to assist any relevant employment proceedings. |
| Reportable Allegation | <p>A reportable Allegation in relation to an employee of the City, means:</p> <ol style="list-style-type: none"> 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. |
| Reportable Conduct | <p>Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:</p> <ol style="list-style-type: none"> a. a sexual offence, b. sexual misconduct, c. ill-treatment of a child, d. neglect of a child, e. an assault against a child, |

| Term | Meaning |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>f. failure to reduce or remove the risk of a Child becoming a victim of abuse or concealing Child abuse,</p> <p>g. behaviour that causes significant emotional or psychological harm to a child.</p> <p>Examples of indicators of significant emotional or psychological harm in respect of paragraph (g) include:</p> <ol style="list-style-type: none"> 1. displaying behaviour patterns that are out of character, 2. regressive behaviour, 3. anxiety or self-harm. |
| Wellbeing | <p>In the context of Child safety, Wellbeing means keeping the Child in focus when making decisions about their lives and working in partnership with them and their families to ensure they received the care and services which support all the different dimensions of their lives.</p> |
| Students on Placement | <p>Any person undertaking practical training as part of an educational or vocational course (other than as a high-school student undertaking work experience).</p> |
| Survivor | <p>A person who has suffered sexual abuse that is within the scope of the National Redress Scheme.</p> |
| Young Person/ People | <p>A person who is aged 16 years or above but who is under the age of 18 years.</p> |

Policy Statement

The City of Sydney caters for the needs of Children and young people by providing **early education and care services, outside school hours care services, community centres, libraries, parks and playgrounds, aquatic and recreation facilities, early education and care services, outside school hours care services, libraries, cycle paths and skate facilities.**

The City also provides a diverse array of services which may be used by Children and young people including community programs and facilities delivering community events. **Some of these services may be managed or provided by Contracted Service Providers on behalf of the City.** , contracting services through external operators, and providing funding to support community organisations through its grants and sponsorship programs

Our commitment to Child safety and wellbeing

The City is committed to safeguarding all children's sense of wellbeing and rights to reach their full potential and to keeping children safe from harm and abuse.

We work to empower children to find their own voices and understand that children play an important role in creating vibrant, positive communities, and are our communities of the future.

We recognise that disrespect, harm and abuse can have long-lasting effects on healthy development, and that these can lead to serious lifelong consequences. We know that abuse that occurs within an organisational context is not just a problem of the past, it continues today. The City of Sydney has zero tolerance of child abuse in our organisation.

We are working to embed the NSW Child Safe Standards into our organisational leadership, governance and culture and by adopting strategies and acting to put the interests of children first and keep them safe from harm.

At the City:

- **We want Children to be safe, resilient, happy and empowered.**
- **We want Children to be connected to each other, community and culture.**
- **We respect and uphold Children's right to privacy.**
- **We support and respect children of all ages, cultures, religions, education levels, children of diverse sexualities and genders and children with disability.**
- **We are committed to the cultural safety of Aboriginal and Torres Strait Islander children, the cultural safety of children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with disability.**
- **All allegations and safety concerns are treated very seriously and consistently with our robust policies and procedures.**
- **We have legal obligations to contact authorities when we are worried about a child's safety, or where there is an allegation against one of our employees or volunteers, which we follow rigorously.**
- **We are committed to preventing child abuse by identifying risks early and removing and reducing these risks.**
- **We have robust human resources and recruitment practices to reduce the risk of Child abuse by new and existing employees and volunteers.**

- We work closely with our Contracted Service Providers to ensure the services they are delivering on our behalf are Child safe.
- We are committed to regularly training and educating our employees, volunteers senior leaders and councillors on child abuse risks and obligations to prevent abuse and respond appropriately.
- We are committed to continually improving our child safeguarding policies and practices through scheduled policy reviews, audits and by closely examining our policy and practice following any child safety incident or report.

The City is committed to:

- ~~1. Upholding the United Nations Convention on the Rights of the Child (1990)~~
- ~~2. Building a culture of Child safety within its organisation and communities by embedding the NSW Child Safe Standards into practice over time~~
- ~~3. Meeting its responsibilities to ensure the safety and welfare of Children, and taking reasonable measures to prevent abuse of Children in line with Child safety and protection legislation, including:
 - ~~— Ensuring that City employees working with Children are suitable and supported through fit for purpose recruitment and selection processes~~
 - ~~— appropriate Working with Children Checks are in place and verified~~
 - ~~— the provision of a regular program of Child safety training and inductions that ensure all City employees are aware of their legal responsibilities and are confident in reporting known, suspected or alleged Child abuse, misconduct or inappropriate behaviour~~
 - ~~— 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~~
 - ~~— Actively promoting safety and working towards reducing all environmental and situational risk factors that lead to risk of Children and young people being harmed.~~~~
- ~~4. Timely reporting and investigation of concerns of possible abuse, harm or neglect of a Child by appropriately independent and skilled investigators~~
- ~~5. Storing and maintaining records in line with relevant Child safety and protection legislation, and~~
- ~~6. Participating in the National Redress Scheme.~~

Operational Procedures

We have specific operational policies and procedures in place that support City Employees to achieve our commitments outlined above.

This Policy should be read in conjunction with the following operational procedures:

- Child Safety Procedure - Recruitment, Employee Conduct and Training
 - Appendix A: Child Safe Code of Conduct - Employees
 - Appendix B: Child Safety Training Program
- Child Safety Procedure - Reporting Child Safety Concerns
- Child Safety Procedure - Notifying and Investigating Child Safety Concerns
- Child Safety Procedure - National Redress Scheme

- Child Safety Procedure – **Contracted Service Providers and Grant Management** – *in development*
- Child Safety **Procedure** Guideline - Child Safe Environments - *in development*

All City Employees have a responsibility to adhere to this Policy and associated Procedures.

Recruitment, Employee Conduct and Training

Our Child safe culture

The City's Statement of Commitment to Child Safety and the Child Safe Code of Conduct are the foundation of our Child safe culture.

All people managers at the City of Sydney are responsible for championing these core values that inform the City's approach to Child safety and wellbeing.

City Employee conduct Child Safe Code of Conduct

The City's Child Safe Code of Conduct – Employees applies to all employees, volunteers, agency staff, elected councillors and Contracted Service Providers working in City of Sydney staffed facilities, venues and events sites.

The Child Safe Code of Conduct – Employees establishes a clear set of rules and expectations for behaviour that is in line with the City's Child safe culture and values. Having clear rules and expectations of how City employees are expected to interact with Children helps to prevent Child abuse and encourage reporting.

~~The Reportable Conduct Scheme monitors how organisations investigate and report on types of conduct (known as 'Reportable Allegations' and 'Reportable Convictions') made against their employees. The conduct of all City Employees is subject to the Reportable Conduct Scheme while at work.~~

The City's Child Safe Code of Conduct - Employees also outlines some types of conduct **that is not an offence and** that does not meet the threshold of Reportable Conduct but is concerning and may be indicative of Reportable Conduct. All City employees must behave in accordance with the Child Safe Code of Conduct – Employees while at work.

The conduct of employees holding a Working with Children Check is subject to the Reportable Conduct Scheme at all times. These employees must behave in accordance with the Child Safe Code of Conduct – Employees, even when not at work.

Any behaviour by City employees that is consistent with Reportable Conduct and or is a breach of the Child Safe Code of Conduct – Employees will not be tolerated and may lead to disciplinary action, up to and including termination of employment.

Human resource management

Human resource management – including recruitment, screening, training– plays a vital role in protecting Children from harm.

Assigning categories to roles

Every role within the City of Sydney will be categorised using the City's Child Safety Procedure – Recruitment, Employee Conduct and Training, including newly created, re-profiled positions and existing roles where there has been a change in duties.

These categories determine whether the role requires a Working with Children Check, **when to apply Child safe recruitment and screening practices and what type of training, education**

and supervision is required to ensure the employee is suitable to work with Children and has the skills and supervision required to meet the responsibilities of the roles.

Recruitment and screening employment

The City's recruitment and screening processes are designed to discourage and screen out people who are unsuitable to work with Children and help ensure that only the most suitable applicants who have a positive attitude to Child safety and Wellbeing are employed.

The Director People, Performance and Technology, the relevant Divisional Director and the hiring manager are responsible for ensuring that all recruitment and employment procedures are carried out in accordance with the Child Protection (Working with Children) Act 2012, the Child Protection (Working with Children) Regulation 2013 and the Child Safety Procedure – Recruitment, Employee Conduct and Training.

Working with Children Checks

The City will meet legal requirements to ensure that only people with valid Working with Children Checks are engaged in Child-Related Work. ~~The Working With Children Check is a an essential tool that enables the City to prevent people who pose a risk to the safety of a Child from being employed or engaged in Child-Related Work.~~

If a City Employee becomes a disqualified person during the course of their employment with the City, their Business Unit Manager and the HR business partner must immediately remove that employee from Child-Related Work, and may be placed in non Child-Related Work or suspended from duty with pay pending the outcome of an investigation.

~~The Manager Recruitment, together with relevant Directors and hiring managers are responsible for:~~

- ~~• ensuring Working with Children Checks have been carried out for designated roles before hiring a prospective employee, and~~
- ~~• not continuing to employ, in Child-Related Work, a person that has been identified as disqualified as a result of failing to qualify for a Working with Children Check renewal.~~

Training requirements

~~Training and induction is important to ensure that all City employees understand that the safety of children and young people is the responsibility of everyone.~~

~~City employees will be provided appropriate training to ensure that they understand the City's commitment to the safety of children and young people, and that everyone has a role to play in protecting them from abuse.~~

~~The City's aim is that all City employees (in addition to parents/carers and children or young people) feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. Relevant workforce areas are trained to identify, assess, and minimise risks of abuse and to detect potential signs of abuse to children and young people.~~

~~All City employees will be provided an induction to the Child Safe Code of Conduct and the City's Child Safety Policy and Procedures, and, where relevant, an induction to local Child safety practices.~~

All City Employees will be provided appropriate training and/or induction to ensure that they understand the City's commitment to Child safety and Wellbeing and their role in safeguarding Children.

All City Employees - including volunteers, students on placement, elected Councillors and Contracted Service Providers working in City of Sydney staffed facilities, venues and events sites - will receive Child safety training and/or an induction along with information and resources that:

- includes the City's commitment to Child safety and Wellbeing
- provides an overview of the City's Child safety practices
- provides employees with knowledge about the nature and indicators of Child abuse and harm, so that all employees can identify abuse, harm and concerning behaviour
- outlines how to respond to a disclosure of abuse appropriately, and
- outlines the basic reporting responsibilities and processes all employees must follow if there is an incident, Allegation or concern for a child's safety or Wellbeing.

Relevant workforce areas will receive more specialised Child safety training relevant to their role and responsibilities under Child Safety Law and the City's Child safety policy and procedures. This includes training about protective behaviours, Child safety risk management, identifying and responding to risk of significant harm and responding to Allegations of Reportable Conduct.

All City employees must undertake training that has been identified as required for their role. Training requirements for each of the Categories are set out in Appendix B: Child Safety – Training Program.

Child Safety Risk Management Plans

Identifying risks to Children and young people and implementing controls to **prevent and** mitigate these risks is an essential factor in keeping Children safe.

Child Safety Risk Management Plans will document how the safety and ~~welfare~~ **Wellbeing** of Children and young people participating in events, programs and services delivered by the City are managed. **The plans will address the following risk factors:**

- **People (including culture):** The attitudes, behaviour and conduct of people who come into contact with or work with Children and the unique vulnerabilities of Children with whom we have regular contact, such as Children with disability, Children from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander Children.
- **Processes:** used by the City of Sydney. A process is an end to end activity that can involve actions performed by both people and technology. Ineffective processes can lead to ineffective implementation of our Child safety policies and procedures which may result in a failure to prevent, identify and respond to incidents of abuse or harm.
- **Systems:** City of Sydney systems or other systems that are accessed and used to provide services to Children. Examples include customer databases, Internet services, Mobile phones and Security systems
- **Physical Environment:** Features of the physical environment, such as spaces with poor line of sight and surveillance, and of the online environment, such as direct, unsupervised and one-on-one contact with Children, that may contribute to the likelihood of a Child being groomed, harmed or abused.

Local Child Safety Risk Management Plans will address risks to Children's safety associated with the unique physical environment in which our services are delivered. Local Child Safety Risk Management Plans are required for:

- each individual City staffed facility where Children and young people attend, and
- each unique service offered to Children and young people where numerous services operate out of the same facility (regardless of whether or not the service is exclusively for Children), and
- each event, program or service provided by City employees delivered outside of a staffed City facility, where Children and young people are expected to attend or be present, and
- **Any online programs where Children can interact with City employees and other members of the community.**

Child Safety Risk Management Plans will be reviewed at least annually and following any incident.

Engagement

Commitment to authentic engagement

The City is committed to providing Children with meaningful and authentic opportunities to participate in decisions that affect them and to be taken seriously.

The right to participate is at the core of UN Convention of the Rights of the Child and the NSW Child Safe Standards. When Children feel valued and trust their feedback will be heard and acted on, they are more likely to speak up when they don't feel safe.

The City will uphold this right by empowering Children to express their views and ideas and to have those views and ideas considered alongside those of adults in two ways:

1. Engaging on strategies and projects

The Manager City Engagement together with project managers will ensure the City consults Children on capital works projects and strategies, policies and action plan that impact Children. This includes for example:

- the design of new parks, playgrounds and skate and recreational facilities, and
- key policies and strategies such as our community strategic plan.

2. Reviewing and developing services and programs

Business Unit managers will ensure the City seeks feedback when services and programs they used by Children are reviewed and evaluated.

This feedback will guide future offerings and provide opportunities for Children to provide feedback on how services are provided and what the City can do to help them feel safe.

Where services and programs have ongoing contact with a Child or group of Children, we will also aim to empower Children with resources and learning opportunities about being safe, their rights to be safe and who they can tell if they don't feel safe.

Families and communities are informed and involved

As part of the delivery of services and programs used by Children, Business Unit Managers will make sure that families and communities:

- are engaged on new services and programs, or changes to existing services and programs
- are engaged in open, two-way communication with families and communities about the City's Child safety approach and make sure relevant information is accessible
- have a say in the City's Child safety policies and practices, and
- are informed about our operations and governance including how to give feedback on services and raise issues of concern.

Equity and diversity

The City is committed to providing inclusive and culturally safe services and programs for everyone, including Children.

The City understands that some Children are more vulnerable to abuse than others or find it harder to speak up and be heard. This includes Children with disability, Children from culturally and linguistically diverse backgrounds, Children who are questioning their sexuality or gender and Children who have experienced past trauma.

In the spirit of truth telling and reconciliation, we also recognise that many Aboriginal and Torres Strait Islander Children, families and communities have experienced and continue to experience significant trauma in the name of Child protection. This experience is not just confined to the stolen generation but continues today with the overrepresentation of Aboriginal and Torres Strait Islander Children in the Child protection system. Such trauma can make it harder for Aboriginal Children, families and communities to feel safe in speaking up.

The City is committed to providing culturally safe services, that focus on listening, strengthening relationships and building trust with Aboriginal Children, families and communities – so together we keep Children safe and connected to culture.

Business Unit Managers will make sure that:

- Children's diverse needs are considered in the delivery of all services used by Children, and.
- Services offered in their area aim to provide all Children have equal opportunities to feel welcome and participate in activities and programs.

Child focused complaints management ~~Reporting and responding to Child safety concerns~~

Information outlining how a child, parent or family member, or community member can make a **report or complaint** will be is provided in all of the City's staffed community facilities and on the City's website at **Our Child Safe Reporting Process**.

All City employees must comply with legal requirements and adopted procedures and report known, suspected or alleged ~~Child abuse~~ **or harm of a child**, misconduct or inappropriate behaviour. Requirements and processes are outlined in the Child Safety Procedure – Reporting Child Safety Concerns.

The City's response to any report, complaint, incident or Allegation will be Child focused, prioritising the safety, interests and Wellbeing of the Child or Children involved. ~~If an Allegation of abuse, inappropriate behaviour, misconduct or a safety concern is raised,~~ The City will:

- ensure that processes for responding to alleged abuse and misconduct are fair and focus on **the safety and Wellbeing of the Child safety**
- in the event that a City employee poses a serious risk of abusing a Child ~~Children and young person~~, remove or reduce the risk to the **Child and young person**
- **where there is an Allegation against a City Employee notify the relevant authorities and conduct an investigation**
- provide reports and/ or progress updates to the relevant authorities and where appropriate people involved in any incident
- provide support or make referrals for support to alleged victims, their families and affected City Employees, such as helping them understand their rights and the process that will be followed in responding to Allegations of Reportable Conduct, and assistance in accessing counselling or other support as required, and
- undertake timely reviews of organisational Child safety policies, procedures and/or relevant Child Safety Risk Management Plans following an incident ~~to help drive continuous improvement.~~

To drive continuous improvement, the Child Safety Policy and related operational procedures will also be regularly reviewed as we progress towards meeting the NSW Child Safe Standards and when new guidance material is issued by the Office of the Children’s Guardian.

Confidentiality and records management

Confidentiality will be maintained for all records and information relating to Child safety and protection matters. All Child safety and protection records will be maintained in secure electronic files and access will be strictly controlled.

Directors and managers are responsible for ensuring that City employees are aware of procedures relating to record management and that appropriate City employees understand where files are required to be stored within their Business Units.

Records will be stored in accordance with the requirements of the relevant Child safety and protection legislation and the City’s Records Management Policy.

Grants and Contracts involving Child-Related Work

The City has ~~lease, licence~~ **management** and service agreements with a number of commercial sporting/recreational organisations and ~~for~~ community organisations that provide services for the benefit of the community **and Children** on behalf of the City. **These** include ~~ing-aquatic and leisure centres~~ **recreation centres, tennis courts, education and care services** ~~Child care, and recreational programs facilities and tennis courts.~~

~~The City also provides grant funding and/or subsidised accommodation to a range of organisations that use this funding and/or accommodation to delivery programs and services.~~

Where any relevant contractual agreements include the delivery of Child-Related Work on behalf of or ~~in conjunction~~ with the City, the agreement must contain clauses outlining the organisation’s responsibilities under all applicable Child Safety and protection legislation **Law** and **the City’s Child Safety Procedure – Contracted Service Providers** ~~City Child safety policies.~~

Performance measures, compliance, monitoring and reporting systems related to Child safety will be established in relevant agreements and through contract management processes, **to**

ensure the City has appropriate oversight of the Contracted Service Provider's Child safeguarding practice. Further guidance is contained in the Child Safety Procedure—Contract and Grant Management

National Redress Scheme

The City acknowledges the life-long impact of institutional Child sexual abuse on survivors and is a participating organisation in the National Redress Scheme.

As a participating organisation, if a survivor of Child sexual abuse seeks access to the National Redress Scheme, the City will act with discretion, in good faith and use its best endeavours to assist people applying for redress by providing information.

Responsibilities

Detailed responsibilities are outlined in the relevant Child Safety Procedures.

All City Employees must:

- act in accordance with the City's Child Safe Code of Conduct – Employees
- be aware of, and comply with, their responsibilities under the Child Safety Policy and Procedures
- **undertake training and /or induction required when assigned to them.**

Chief Executive Officer as Head of Entity must:

- ensure adequate systems and processes, policies and procedures, and codes of conduct are in place to prevent, detect and respond to abuse of Children. ~~and young people~~

Directors will:

- **will ensure that relevant business units have in place local Child Safety Risk Management Plans, and that these are regularly reviewed.**

Business unit managers will:

- **ensure Children, families and communities are informed about and have the opportunity to be involved in the development of the City's Child Safety procedures and Child practices specific to their service area**
- **ensure Children's diverse needs are considered in the delivery of all services used by Children.**

Director City Life and Director People Performance and Technology:

- will ensure that the City has a Child Safety Policy and Procedures which comply with relevant regulations and legislation
- will ensure recruitment and screening practices are conducted in line with relevant Child safety and protection legislation and the City's Child Safety Procedures
- will ensure ~~specified systems~~ **Child focused systems and complaints processes** are in place for detecting and responding to reports of Child safety concerns
- must ensure that strict confidentiality is maintained for all records and information relating to Child safety and protection matters and that records are maintained and disposed of in

accordance with the *State Records Act 1998*, City record keeping policies and any other relevant legislative requirements.

Director Legal and Governance

- will ensure that a platform exists to manage environmental and situational risks to Child safety. ~~All Directors will ensure that relevant business units have in place local Child Safety Risk Management Plans, and that these are regularly reviewed.~~
- will ensure tools and resources are available to enable managers to develop and implement local Child Safety Risk Management Plans.

Manager City Engagement

- **will ensure the City consults Children on capital works projects and strategies, policies and action plan that impact Children.**

People managers

- **Will champion the Child safe values in City’s Commitment to Child Safety and the Child Safe Code of Conduct.**

Consultation

This Policy has been developed in consultation with City Life, City Greening and Leisure, People, Performance and Technology, **Indigenous Leadership and Engagement, City Engagement, Procurement and Legal and Governance.**

In adopting this Policy, it is recognised that there are specific legislative and procedural requirements to be met by the City and City employees.

References

| Laws and Standards |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> • Child Protection (Working with Children) Act 2012 • Child Protection (Working with Children) Regulation 2013 • Children and Young Persons (Care and Protection) Act 1998 • Children’s Guardian Act 2019 • Civil Liability Amendment (Organisational Child Abuse Liability) Act 2018 Act 2002 • Crimes Act 1900 • Local Government Act 1993 • National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth). • NSW Child Safe Standards • NSW Children (Education and Care Services National Law Application) Act 2010 • Privacy and Personal Information Protection Act 1998 • State Records Act 1998 • United Nations Convention on the Rights of the Child (1990) |

Policies and Procedures

- Child Safety Procedure - Recruitment, Employee Conduct and Training
 - Appendix A: Child Safe Code of Conduct - Employees
 - Appendix B: Child Safety Training Program
- Child Safety Procedure – Reporting Child Safety Concerns
- Child Safety Procedure - Notifying and Investigating Child Safety Concerns
- Child Safety Procedure – National Redress Scheme
- **Child Safety Procedure – Contracted Service Providers**
- Child Safety **Procedure** *Guideline*– Managing Risks to Child Safety in Service Environments – *in development*
- **Child Safety Risk Management Plan - in development**
- Child Safe Code of Conduct – Facilities and Venues
- Disciplinary Policy
- **Inclusion (Disability) Action Plan 2021-2025**
- Privacy Management Plan
- Records Management Policy
- **Stretch Reconciliation Action Plan**
- Volunteer Policy
- Volunteer Procedures
- Code of Conduct

Review period

This policy will be reviewed every 2 4-years, or upon changes in Child Safety and protection legislation **Law**.

Approval Status

The Council approved this policy on XXXXX.

Approval History

| Stage | Date | Comment | TRIM Reference |
|-------------------------------------------|--------------|----------------------------------------------------------------------------------------------------|-------------------------------|
| Original Policy (Child Protection Policy) | 30 Nov 2015 | Endorsed by the Executive. Approved by CEO. | 2014/462654-01 |
| Review | 14 Sept 2018 | Endorsed by the Executive. Approved by CEO. | 2018/014725-01 |
| Child Safety Policy | 21 Sep 2020 | Approved by Council. | 2020/422489 |
| Review | 2022 | Policy reviewed to align with the NSW Child Safe Standards, include statement of commitment | Governance to populate |

| Stage | Date | Comment | TRIM Reference |
|----------------------|-----------------|------------------------------------------------------------------------------------------|----------------|
| | | to child safety and wellbeing, and align Child safety policy and procedure review dates. | |
| Commence review date | 1 November 2023 | | |
| Approval Due Date | 30 August 2024 | | |

Ownership and approval

| Responsibility | Role |
|----------------|--------------------------------------------------|
| Author | Manager Social Policy |
| Owner | Manager Social Programs and Services City |
| Endorser | City of Sydney Executive |
| Approver | City of Sydney Council |