

# **Attachment B**

**Child Protection Policy (Corporate)  
September 2018**

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# Child Protection Policy

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## PURPOSE

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

The City of Sydney Child Protection Policy and Child Protection Procedure have been established to assist in meeting the City's commitment and obligations to protect children and young people for whom the City provides a service, and with whom the organisation has contact. Ensuring the welfare and well-being of children and young people we engage with is a requirement under legislation and a moral obligation.

This document has been formulated to ensure that all employees and contractors of the City are aware of their obligations and commitments to ensure the protection of children from harm. This responsibility extends to the identification and timely response to concerns regarding the possible abuse or neglect of a child and the provision of a fair and just process in instances where City employees are involved in child-related investigations.

## SCOPE

This policy applies to all full-time, part-time, casual, temporary and fixed term employees of the City, as well as consultants, agency staff, contractors, students and volunteers.

This policy should be read and applied in conjunction with:

- *Children and Young Persons (Care and Protection) Act 1998 (NSW)*
- *Government Sector Employment Act 2013*
- *Child Protection (Working with Children) Act 2012*
- *Child Protection (Working with Children) Regulation 2013*
- *Child Protection (Working with Children) Amendment (Statutory Review) Act 2018 No 14*
- *Advocate for Children and Young People Act 2014*
- *NSW Children (Education and Care Services National Law Application) Act 2010*
- Child Protection Procedure – Staff
- Child Protection Procedure – Contract and Grant Management
- *Ombudsman Act 1974 (NSW)*
- The City of Sydney Code of Conduct
- City of Sydney Disciplinary Policy
- City of Sydney Privacy Management Plan
- *Local Government Act 1993*
- The City's Values

- City of Sydney Safety Management System, Operational Procedures: Fatigue Management.

## POLICY STATEMENT

The City of Sydney caters for the needs of children and young people by providing parks and playgrounds, recreation facilities, early education and care services, outside school hours care services, libraries, cycle paths and skate facilities. Furthermore, the City engages in a diverse array of work: we directly operate services and run community programs; we deliver community events; we contract services through external operators; and we provide funding to support community organisations through our grants and sponsorship programs.

This policy aims to ensure that:

- The City of Sydney meets its responsibilities for the safety, welfare and wellbeing of children and young people in accordance with legislative requirements and the City's organisational values of Collaboration, Courage, Integrity, Innovation, Quality and Respect.
- Business Units identify risks to children and young people and implement local practices and procedures that safeguard children and young people's wellbeing.
- The management of the recruitment and selection processes for all child-related employment positions is carried out in accordance with the *Child Protection (Working With Children) Act 2012 (NSW)*.
- Everyone in our organisation is confident in reporting inappropriate behaviour around children and young people.
- The risk of significant harm to children and young people is reported and responded to in accordance with Section 24 of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*.
- Relevant staff are aware of their legal responsibilities as 'mandatory reporters' of harm to children and young people under Section 27 of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*.
- Reportable conduct, allegations and convictions made against employees are reported and responded to in accordance with the *Ombudsman Act 1974 (NSW)*.
- Details are provided to the NSW Office of the Children's Guardian of any worker, volunteer or student who has been the subject of employment proceedings involving reportable conduct or acts of violence committed by them in the presence of a child or young person.
- Records kept in relation to child protection matters are maintained in secure storage, and that access to such records is strictly limited and controlled.
- Information exchanged with prescribed bodies is in accordance with the Child Wellbeing and Child Protection NSW Interagency Guidelines.
- City staff who are responsible for awarding and managing contracts or assessing or managing grants, are aware of the City's, the contractor's and grant recipient's legal and ethical obligations to protect children and young people.
- Contractors of the City of Sydney are aware of child protection legislation and have appropriate policies in place to ensure the safety and well-being of children and young people.

The City of Sydney supports child protection in the workplace. The City of Sydney will:

- drive a culture of care and protection of children and young people by providing the tools required to support staff in understanding their responsibilities in relation to child protection and what this entails. Tools will include the Child Protection Policy and Procedure, ongoing training, and the City's Code of Conduct and risk management
- have in place a comprehensive child protection policy and procedures that are regularly reviewed to direct prevention activities
- require all staff who work with children and young people, both mandatory reporters and those who work with children and young people where parents and guardians are required to be present, to sign off their acknowledgment and understanding of the Child Protection Policy
- ensure Working With Children Checks are carried out and managed in accordance with the Office of the Children's Guardian Guidelines
- provide information to families and the community regarding the child protection strategies that have been adopted by the City
- raise awareness in the general community about child protection
- seek to listen to children and young people, value their participation in our organisation and involve them, where appropriate, in decision making in matters that directly affect them
- provide ongoing child protection training on the implementation of the Child Protection Policy and Procedures, protective behaviours, and how to identify and respond to children and young people at risk of significant harm, and
- ensure contract managers receive adequate training in auditing organisations which deliver City services or receive City grants to ensure compliance with the organisation's child protection policies.

**The City has identified 4 categories of employees and contractors, as defined in this policy, in relation to child protection.**

#### Category 1

- a) This category includes Employees and Contractors who work in Child and Family Services or undertake youth work.

Employees and contractors who work in Child and Family Services or undertake youth work have unsupervised access to children and young people and access to sensitive information relating to children and young people. Education and Care Services and youth work are identified as 'children's sectors' in the *Child Protection (Working with Children) Act 2012*. Roles within these sectors have been identified as child-related roles.

A list of roles that fit into this category can be found at [Appendix B](#).

Employees and Contractors working in these roles:

- must hold a Working With Children Check as determined by the Office of the Children's Guardian

- are mandated by Section 27 of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)* to report to NSW Family and Community Services, children who they suspect are at risk of significant harm
- must have a good understanding of the City's Child Protection Policy and Procedures and know how to apply them
- must undertake child protection training as required for this category on a regular basis, to maintain current knowledge and understanding of child protection legislation and their responsibilities and accountabilities in relation to child protection.

## Category 2

This category includes Employees and Contractors:

- a) who have access to children and young people because of the nature of services they provide or location of their work
- b) who provide transport, library, recreational activity programs, cultural activity programs and entertainment to children
- c) in identified child related roles that do not work in Child and Family Services or undertake youth work
- d) who are line managers of employees or others in Category 1 or 2, and who come into contact with children or young people as part of their usual duties.

This category encompasses a wide range of City employees and contractors including staff working in community facilities, who come into contact with children or young people, as well as those delivering community programs, events or services for children and young people either regularly or from time to time. Examples may include an event officer, community centre employee or a librarian. This category includes roles that may not previously have had contact with children or young people as part of their usual role, but may now come under this category as a result of a new or changed program of work, for example commencing a new program for children, or undertaking consultation with young people.

A list of roles who fit into this category can be found in [Appendix B](#), however line managers must be aware any change in duties within a role may result in an employee or other person becoming Category 2.

Employees and Contractors working in these roles:

- will be required to hold a Working With Children Check
- can report cases of children who may be at risk of significant harm to NSW Family and Community Services
- must have a good understanding of the City's Child Protection Policy and Procedures and know how to apply them, and
- must undertake child protection training required for this category on a regular basis, to maintain current knowledge and understanding of child protection.

## Category 3

This category includes Employees and Contractors:

- a) in roles that investigate allegations of reportable conduct against staff

- b) in roles in the line of management of employees in Category 1 and Category 2 who do not come into contact with children or young people as part of their usual duties.

This category encompasses roles within Workforce and Information Services and Legal and Governance who undertake formal reviews and reporting in line with child protection legislative requirements.

This category also includes roles within other Business Units who manage Category 1 and 2 roles and would assist in investigating allegations of reportable conduct against staff.

Employees and Contractors in these roles are not required to have a Working With Children Check however:

- They must understand the City's obligations in relation to Child Protection, Working With Children Checks and other related legislation.
- They must understand the City's Child Protection Policy and Procedure and know how to apply them.
- They can report cases of children who may be at risk of significant harm to NSW Department Family and Community Services.
- They must undertake child protection training required for this category on a regular basis, to maintain current knowledge and understanding of child protection.

A list of roles which fit into this category can be found at [Appendix B](#).

#### **Category 4**

This category includes Employees and Contractors:

- a) who are unlikely to have contact with children while performing work related duties and are not included in the categories above.

The majority of roles fit into this category. Any role that is not listed in [Appendix A](#) will be counted in this category.

Employees working in these roles:

- do not require a Working With Children Check
- must have an awareness of the City's Child Protection Policy and Procedure and know how to apply them, should the need arise
- must undertake child protection training required for this category; and
- can report suspected cases of children at risk of significant harm to NSW Family and Community Services, should they observe a situation that potentially puts children at risk of significant harm

Training requirements for each of the categories, will be set out in a City of Sydney Child Protection Training Plan.

#### **Assigning categories to roles**

Every role within the organisation will be categorised using the City's Child Protection role category system. Newly created positions and re-profiled positions will also be assessed against this category system.

Directors and Business Unit Managers will liaise with the Manager Corporate Human Resources and the HR Recruitment Manager to assess newly created and re-profiled roles and categorise.

Once categorised, Business Unit Managers will ensure that employees in those roles, hold the necessary certification and attend the training required for the category.

A change in duties that results in the employee having contact with children or young people may also change the category of a role. Managers, employees and others should be aware of and monitor any changes in duties that may result in a category change. When such changes occur the Business Unit and Section Managers are to liaise with the Manager Corporate Human Resources and HR Recruitment Manager and arrange for any necessary checks and training to be undertaken.

Additionally, all contractors' staff, including consultants and temporary consultants, will be categorised at the time of procurement and volunteers and students will be categorised as part of the engagement process. Please refer to [Appendix A](#), [Appendix B](#) and [Appendix C](#) of the Child Protection Procedure – Staff for further guidance on assigning categories to roles.

## DEFINITIONS

| Term                         | Meaning   |
|------------------------------|---|
| <b>Allegation</b>            | An allegation against an employee which involves behaviour that is reportable conduct, or behaviour that is exempt from notification to the Ombudsman, but is required to be investigated by the City.  |
| <b>Child</b>                 | As defined by the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> a child is a person under the age of 16 years.   |
| <b>Contractor</b>            | All those engaged by agreement to provide a service to the City, including agency staff.  |
| <b>Child-related work</b>    | Child related work has a specific definition in Working with Children Legislation. "Work" is child-related if the usual duties of the work involve, or are likely to involve contact with a child in connection with at least one of the 19 categories of child-related work. Further information can be found here:<br><a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/cpwca2012388/s6.html">http://www.austlii.edu.au/au/legis/nsw/consol_act/cpwca2012388/s6.html</a> |
| <b>Reportable conviction</b> | A conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct as defined by Section 25A of the <i>Ombudsman Act 1974</i> .  |
| <b>Disqualified person</b>   | A person convicted of, or subject to proceedings relating to, any offence(s) prescribed in Schedule 2 to the <i>Child Protection (Working With Children) Act 2012 (NSW) Act</i> .   |
| <b>Employee</b>              | Any person employed by the City of Sydney including volunteers and students.  |
| <b>Head of Agency</b>        | The Chief Executive Officer of the City of Sydney.  |
| <b>Formal Review</b>         | The process in which the City of Sydney: <ul style="list-style-type: none"> <li>gathers all relevant facts</li> <li>makes a decision regarding whether an allegation is sustained or not, and</li> <li>provides information to assist any relevant employment proceedings.</li> </ul>   |

| Term                         | Meaning  |
|------------------------------|--|
| <b>Mandatory Reporter</b>    | <p>As defined in Section 27 of the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i>, a mandatory reporter is:</p> <p>(a) a person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children, and</p> <p>(b) a person who holds a management position in an organisation 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.</p>  |
| <b>Mandatory Reporting</b>   | <p>Is the act of a person mandated under Section 27 of the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i>, reporting to Community Services that they suspect a child is at risk of significant harm.</p>   |
| <b>Prescribed bodies</b>     | <p>As defined in Section 248 of the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> as being the NSW Police Force, a government department or a public authority, a government school or a registered non-government school or TAFE, a public health organisation or a private hospital, and as defined in Clause 8 of the <i>Children and Young Persons (Care and Protection) Regulation 2012 (NSW)</i> a private fostering agency or a private adoption agency, a designated agency which is a department of the Public Service or an organisation that arranges out of home care, any agencies that conducts a residential child care centre or a child care service under the <i>Children (Care and Protection) 1987 Act</i>, any other organisations that have 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.</p> |
| <b>Reasonable grounds</b>    | <p>Refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm based on:</p> <ul style="list-style-type: none"> <li>• first hand observation of the child or family</li> <li>• what the child, parent or another person has disclosed, and</li> <li>• what can reasonably be inferred based on professional training and/or experience.</li> </ul>  |
| <b>Reportable allegation</b> | <p>An allegation of reportable conduct against a person or an allegation of misconduct that may involve reportable conduct as defined by the <i>Ombudsman Act 1974</i> and which includes:</p> <ul style="list-style-type: none"> <li>• identification of a person who is a current employee of the City, including contractors and volunteers</li> <li>• an alleged offence or description of offending behaviour that meets the definition of reportable conduct, and</li> <li>• a person who was a child at the time of the alleged offence or behaviour described.</li> </ul>  |
| <b>Reportable conduct</b>    | <p>As defined by Section 25A of the <i>Ombudsman Act 1974 (NSW)</i> means:</p> <p>(a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), or offence involving child abuse material, or</p> <p>(b) any assault, ill-treatment or neglect of a child, or</p>   |

| Term                                   | Meaning   |
|--|---|
|  | <p>(c) any behaviour that causes psychological harm to a child</p> <p>whether or not, in any case, with the consent of the child but does not extend to:</p> <p>(a) conduct that is reasonable for the purposes of discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or</p> <p>(b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or</p> <p>(c) conduct of a class or kind exempted from being reportable conduct by the Ombudsman under Section 25CA of the <i>Ombudsman Act 1974 (NSW)</i>.</p>   |
| <p><b>Risk of significant harm</b></p> | <p>As defined by Section 23 of the <i>Children and Young Persons (Care and Protection Act) 1998 (NSW)</i> risk of significant harm is present if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any of one or more of the following circumstances:</p> <p>(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</p> <p>(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</p> <p>(b1) in the case of a child or young person who is required to attend school in accordance with <i>the Education Act 1990 (NSW)</i> – the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act</p> <p>(c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated</p> <p>(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 physical or psychological harm</p> <p>(e) a parent or other caregiver 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, and/or</p> <p>(f) the child was the subject of a pre-natal report under Section 25 of the <i>Children and Young Persons (Care and Protection Act) 1998 (NSW)</i> and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report. (This information would only be obtained through an information sharing process with a child health related agency).</p> |

| Term                       | Meaning   |
|----------------------------|---|
| <b>Staff member</b>        | Any person employed by the City of Sydney, whether or not they are employed to work directly with children, as well as individuals engaged by the City of Sydney to provide services to children such as contractors, volunteers and students on placement. |
| <b>Unsupervised access</b> | Access to, or supervision of children without the child’s parents or another adult supervisor being present.  |
| <b>Young person</b>        | As defined by the <i>Children and Young Persons (Care and Protection Act) 1998</i> (NSW) a person who is aged 16 years or above but who is under the age of 18 years.   |

## Recruitment and employment

The Director Workforce and Information Services, the relevant Divisional Director and the hiring manager are responsible for ensuring that all recruitment and employment procedures are carried out in accordance with child protection legislative requirements and City policy.

The Manager Recruitment, together with relevant Directors and hiring managers will be responsible for ensuring that all Category 1 and Category 2 positions will:

- not commence employing a person in a child-related position without verifying a prospective employee's Working With Children Check, through the NSW Office of the Children's Guardian, and
- not continue 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.

Please refer to the Child Protection Procedure - Staff for further guidance.

## Notification of reportable conduct, allegations or convictions against staff

All staff members have a responsibility to adhere to this policy and associated guidance procedures and the City's Code of Conduct (which outlines acceptable and unacceptable behaviour).

If a staff member becomes aware of an allegation or conviction concerning another staff member of reportable conduct, he/she must report the matter to his/her immediate supervisor. Subsequently, the matter will be reported upward through the hierarchy of management to the Director of Workforce & Information Services and the Chief Executive Officer. Where a staff member becomes aware of an allegation or conviction of reportable conduct concerning his/her immediate manager, he/she must report the matter to the manager above his/her own manager or directly to the Director of Workforce & Information Services.

Please refer to the Child Protection Procedure – Staff for further guidance.

All reportable conduct allegations or convictions against staff members will be referred to the Chief Executive Officer through the Director of Workforce and Information Services and the Director of the Division where the reportable conduct has occurred and subsequently to the NSW Ombudsman under the *Ombudsman Act 1974*, and potentially also to NSW Family and Community Services. Completed relevant employment proceedings are to be reported to the NSW Office of the Children's Guardian under the *Child Protection (Working with Children) Act 2012*.

All reportable conduct, allegations or convictions will be investigated by an appropriately skilled person appointed by the Chief Executive Officer in consultation with the Director of Workforce & Information Services.

## Assessing and Reporting Children and Young People at Risk of Significant Harm

Certain employees and contractors working in child-related work roles, are classified in Section 27 of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)* as 'mandatory reporters'. As 'mandatory reporters', these staff members have a duty under the Act to report to the NSW Family and Community Services the name or a description of the child and the grounds for suspecting the child is at risk of 'significant harm'. In these cases, a report must also be made to the business unit manager. Please refer to the Child Protection Procedures – Staff for further guidance.

Staff in child-related work roles must familiarise themselves with information provided by [NSW Family and Community Services](#) regarding their responsibilities, through regular training, refresher courses and/or information sharing in team meetings.

Additional information for mandatory and non-mandatory reporters is provided in the Child Protection Procedures and in the [Mandatory Reporter Guide](#) available on the [Child Story Reporter](#) website.

**The City is committed to developing a culture of care and protection for children therefore *any staff member*, regardless of their role, who has reasonable grounds to believe that a child is at risk of significant harm should contact the Child Protection Helpline on 132 111 and report their concerns.**

#### **Information exchange (only relevant to Mandatory Reporters)**

Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)* allows 'prescribed bodies' to exchange information relating to a child or young person's safety, welfare or wellbeing, whether or not the child or young person is known to NSW Family and Community Services. Only staff working in child and family services and youth workers and their supervisors, business unit managers and directors, have been identified as 'prescribed bodies'. Employees in these roles will manage and exchange information in accordance with the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*.

Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)* provides guidance about how information can be shared in relation to the safety, welfare and wellbeing of a child or young person. The care and protection of children and young people is dependent upon shared information and access to accurate, relevant information which will assist organisations working with children and young people to assess risks, make decisions and identify and deliver appropriate services.

The legal framework for information exchange allows organisations to share information relating to the safety, welfare or wellbeing of children or young people. The legislation clearly states at Section 245A that the need to provide services relating to the care and protection of children and young persons, and the needs and interests of children and young persons, and of their families, in receiving those services, take precedence over the protection of confidentiality or of an individual's privacy. Business unit managers will ensure documentation relating to information sharing in relation to the safety, welfare and wellbeing of a child or young person is carried out in accordance with legislation. Please refer to the Child Protection Procedure – Staff for further guidance.

#### **Confidentiality and records management**

Confidentiality will be maintained for all records and information relating to child protection matters. All child protection records will be maintained in secure electronic files and access will be strictly controlled. Directors and managers are responsible for ensuring that staff members are aware of procedures relating to record management and where files will be stored within their business units.

Records will be maintained and disposed of in accordance with the *State Records Act 1998*.

#### **City owned facilities managed under lease, licence or service arrangement by commercial or community providers and grant recipients**

The City of Sydney has lease, licence and service agreements with a number of sporting, recreational, and community organisations that provide services for the benefit of the community on behalf of the City including aquatic and leisure centres, recreation facilities and tennis courts. The agreements between the City and these organisations contain clauses that these organisations must comply with all applicable child protection legislation and the City's Child Protection Policy,

including but not limited to, obtaining any checks required under the *Child Protection (Working with Children) Act 2012 (NSW)*.

Contract managers of commercially contracted services or facilities of the types outlined above are required to ensure these organisations are committed to safeguarding children by conducting regular reviews throughout the life of the contract and enforcing compliance as specified in the contractual agreement between the City and the relevant organisation.

The City also provides grant funding or subsidised accommodation to a range of community organisations that deliver programs and services to children and young people that might involve unsupervised access. When developing a grant funding agreement with an organisation who will be delivering a program or service to children and young people as a result of funding provided by the City, the Manager Grants will seek advice from the Manager Child and Family Services and where necessary the Legal Services Division about the need to include specific provisions in relation to Working With Children Checks or child protection policies and procedures. If clauses requiring the inclusion of Working With Children Checks or child protection policies and procedures are deemed necessary, then a monitoring process to ensure compliance will be developed between the organisation and the City.

Please refer to the Child Protection Procedure – Staff for further guidance.

## RESPONSIBILITIES

### The Chief Executive Officer will:

- drive a culture, within the organisation, where children’s rights are upheld and valued as citizens of our community by ensuring employees are equipped with the resources, tools, systems and skills required to support children’s and young people’s safety and wellbeing
- notify the NSW Ombudsman of reportable allegations, conduct or convictions within 30 days of becoming aware of the allegation, via submission of the NSW Ombudsman’s Workplace Child Protection Notification form, and
- consider recommendations made by the Director Workforce and Information Services at the conclusion of a formal review of an allegation.

### The Director of Workforce & Information Services will:

- ensure that the City has a Child Protection Policy and Procedure that complies with relevant regulations and legislation
- ensure that the Child Protection Training Program, developed to support the implementation of the City’s Child Protection Policy and associated procedures, is available for City employees to undertake
- ensure that each position that requires a Working With Children Check is identified and the information is made available on the City’s Intranet
- ensure that a current NSW Working With Children Check is held by recommended applicants prior to approving employment for relevant positions
- consider the findings of any formal review, consult with the relevant Director as appropriate and make recommendations to the Chief Executive Officer
- when made aware of a reportable allegation, conduct or conviction concerning another staff member arising from that person’s employment with the City of Sydney, report this to the Chief Executive Officer immediately

- ensure that a register of Working With Children Checks is regularly updated and that all relevant staff undertake an updated Working With Children Check every five years
- ensure that strict confidentiality is maintained for all records and information relating to child protection matters and that records are maintained and disposed of in accordance with the *State Records Act 1998* and other legislative requirements
- ensure that information regarding notifications to the NSW Ombudsman are kept indefinitely and are stored in a secure and controlled location separate to the employee's file, and
- ensure that documentation is kept for any incident or suspected risk of significant harm until the child involved reaches the age of 25 years.

**Directors will:**

- provide the Child Protection Policy and Procedures to M3 managers and ensure managers are aware of their responsibilities under this Policy
- in collaboration with the Manager Corporate Human Resources, HR Recruitment Manager and business unit managers, assess and categorise newly created and re-profiled roles
- in collaboration with the Director, Workforce and Information Services, Manager Corporate Human Resources and business unit managers, identify any positions within their division that require Working With Children Checks, review these positions in line with the review of this Policy
- be aware of positions in their Divisions that require Working With Children Checks and ensure recommended applicants hold current NSW Working with Children's Checks prior to approving appointment, and
- when made aware of a reportable allegation, conduct or conviction concerning another staff member arising from that person's employment with the City of Sydney, report this allegation, conduct or conviction to the Director Workforce & Information Services or the Chief Executive Officer immediately.

**The Manager Corporate Human Resources will:**

- in collaboration with the Directors and HR Recruitment Manager, assess and categorise newly created and re-profiled roles
- ensure accurate compliance reports on Working With Children Checks and Child Protection training are made available to Directors, Business Unit Managers and Section Managers
- ensure systems are in place to report on compliance with Child Protection Training and Working With Children Checks
- determine the appropriate staff to conduct a formal review into allegations of misconduct, in accordance with the NSW Ombudsman Guidelines and the City's Policies & Procedures
- present findings and recommendations to the Director, Workforce and Information Services, and
- complete all relevant paperwork in line with the formal review and keep records in line with the *State Records Act (NSW) 1998*.

**Business Unit (M3) and Section Managers (M4) will:**

- be aware of their responsibilities in line with the Child Protection Policy and implement these through process and practice

- be aware of the category each position in their team falls under and ensure that employees attend the required child protection training and are aware of their child protection responsibilities
- identify any changes in roles and responsibilities that may change the category associated with a particular role and liaise with the Manager Corporate Human Services and the Recruitment Manager to advise any category changes needing to be made to a role
- ensure that employees and contractors in newly categorised roles apply for any clearances and attend any training required
- provide information to relevant staff about regular child protection related training including identifying and responding to children and young people at risk of significant harm, reporting, information exchange and protective behaviours
- be aware of the positions in their unit that require Working With Children Checks and only recommend applicants to those positions that hold current Working With Children Checks
- ensure that all staff who have current Working With Children Checks are aware of the legal requirements to update their personal details on the Office of the Children’s Guardian website and to renew their Working With Children Check number every five years
- identify any risks associated with child protection within their business unit and implement controls to minimise risk
- when made aware of what they suspect may be a reportable allegation, conduct or conviction concerning another staff member arising from that person’s employment with the City of Sydney, report this through the line managers, to the Director Workforce & Information Services immediately, and
- assess requests for information under information exchange provisions from other relevant agencies before information is released by Category 1 employees within their business unit.

**The City’s Contract Managers must:**

- categorise contractors’ staff and ensure that the contractors’ agreement requires compliance with Legislation and the City’s Child Protection Policy
- ensure that organisations who provide services to children and young people the City engages, have a commitment to keeping children safe in their environments
- ensure that all organisations contracted to deliver services on behalf of the City have in place up to date child protection policies and procedures
- carry out regular audits throughout the life of the contract, and
- consider any breach of the Child Protection Policy by contractors as a breach of contract and take appropriate action.

**In relation to grant funded organisations the Manager Grants, Manager Child and Family Services and Grant Contract Managers will:**

- in consultation with each other, determine whether an organisation that is the recipient of the grant from the City in either the form of accommodation, cash or value in kind should have Working With Children Checks and child protection policies and procedures in place
- where appropriate include clauses in funding agreements between the City and a recipient organisation that specifies requirements in relation to child protection and develop mechanisms to monitor compliance with these provisions, and

- consider any breach of the conditions relating to child protection, as specified in the relevant funding agreement, by a grant recipient organisation as a breach of contract and take appropriate action.

**Category 1, 2 3 and 4 employees must:**

- be aware of their responsibilities within the Child Protection Policy and Procedure and implement them when undertaking the duties of their role
- undertake training required for their category level
- hold a Working With Children Check if required by the position, maintain currency of the Working With Children Check and regularly update their contact details with the Office of the Children’s Guardian, and
- inform their manager if they ever become a disqualified person.

**Consultation**

This policy has been developed in consultation with City Life, Procurement, Legal and Governance and Workforce and Information Services.

In adopting this policy, it is recognised that there are specific legislative requirements to be met by the Council and employees:

**References**

|                           |  |
|---------------------------|--|
| <b>Laws and standards</b> | <ul style="list-style-type: none"> <li>• Ombudsman Act 1974 (NSW)</li> <li>• Children and Young Persons (Care and Protection) Act 1998 (NSW)</li> <li>• State Records Act 1998 (NSW)</li> <li>• Government Sector Employment Act 2013</li> <li>• Privacy and Personal Information Protection Act 1998 (NSW)</li> <li>• Child Protection (Working with Children) Act 2012</li> <li>• Child Protection (Working with Children) Regulation 2013</li> <li>• Child Protection (Working with Children) Amendment (Statutory Review) Act 2018 No 14</li> <li>• Advocate for Children and Young People Act 2014</li> <li>• NSW Children (Education and Care Services National Law Application) Act 2010</li> </ul> |
| <b>Procedures</b>         | <ul style="list-style-type: none"> <li>• <a href="#">City of Sydney Child Protection Procedure – Staff</a></li> <li>• <a href="#">City of Sydney Child Protection Procedure – Contract and Grant Management</a></li> <li>• <a href="#">Appendix A – Categorising a role</a></li> <li>• <a href="#">Appendix B - Child Protection Employee Categories and List</a></li> <li>• <a href="#">Appendix C – Child Protection Training Program and Sub Categories</a></li> <li>• City of Sydney Disciplinary Policy</li> </ul>  |



## Approval

The Chief Executive Officer approved this policy on 14 September 2018.



Kim Woodbury  
Acting Chief Executive Officer

## Approval history

| Stage              | Date                      | Comment   | TRIM Reference |
|--------------------|---------------------------|---|----------------|
| Original Procedure | 30 November 2015          | Endorsed by the Executive   | 2014/462654-01 |
| Review             | November 2017             | Endorsed by the Executive.<br>Full review. Key amendments included: <ul style="list-style-type: none"><li>• updated relevant legislation</li><li>• included a process for notifying the Department of Education of serious incidents relating to child protection</li><li>• included a process for categorising a role</li><li>• Introduction of a sub category job role system to support the training plan and reporting</li><li>• introduced responsibilities for the Manager Corporate Human Resources role</li><li>• updated to provide clarity about privacy management and responsibilities for reporting.</li></ul> | 2018/014725-01 |
| Review             | Commencing September 2018 | To consider implications of changes to the definition of 'child related work', and relevant recommendations from the <i>Royal Commission into Institutional Responses to Child Sexual Abuse</i> and the implications for the City and its legislative responsibilities.   |                |
| Next Review        | February 2022             |   |                |

## Ownership and approval

| Responsibility | Role                                 |
|----------------|--------------------------------------|
| Author         | Manager Child and Family Services    |
| Owner          | Manager Social Programs and Services |
| Endorser       | City of Sydney Executive             |
| Approver       | Chief Executive Officer              |