

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

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