

Adoption – Child Safety Policy

File No: X102700

Summary

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

The 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 Policy has been in place since September 2020 and was last reviewed and approved by Council in September 2022.

A change to the review dates for the Policy and related procedures has been set to every four years, or upon any material change in child safety legislation;

This update has been made to the Policy in accordance with the previous scheduled review period of two years and includes:

- consideration of the requirements of the Child Safe Scheme introduced in February 2022 under the Children's Guardian Act 2019;
- supporting guidance material provided by the NSW Office of the Children's Guardian ensuring consistency and alignment with the NSW Child Safe Standards; 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 Child Safety Policy as shown at Attachment A to the subject report;
- (B) Council note the obligations of Councillors, as "City employees" for the purpose of the Child Safety Policy, to:
 - (i) conduct themselves appropriately around children while performing duties of their role;
 - (ii) report known or suspected instances of child abuse; and
 - (iii) report inappropriate behaviour by any City employees;
- (C) Council note that under the National Redress Scheme the Lord Mayor may be requested to provide a direct personal response if this is requested by a survivor; and
- (D) 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's Child Safety Policy (the Policy) has been in place since September 2020 and was last reviewed and approved by Council in September 2022.
2. The Policy outlines how the City meets its commitment and obligations to safeguard children's wellbeing and rights to reach their full potential, by adopting strategies and acting to put the interests of children first to keep them safe from harm.
3. 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.
4. Accompanying the Policy, related procedures outline the operational actions consistent with the Policy. Plain English guidance material has been developed to explain the basic responsibilities of everyone working at the City, including Councillors.

Policy review

5. From 1 February 2023, Part 9A of the Children's Guardian Act 2019 (NSW) came into force, which allows the NSW Office of the Children's Guardian to take action to ensure organisations comply with the Child Safe Standards. This means where organisations do not comply with the Child Safe Standards, the NSW Office of the Children's Guardian can issue a compliance notice to the organisation, or accept an enforceable undertaking from the organisation.
6. Through its recruitment systems, the City has established effective employee screening practices and record keeping systems to manage the verification and monitoring of Working With Children Check clearances, and to ensure relevant City employees have completed training requirements associated with their role.
7. The Audit, Risk and Compliance Committee has undertaken audits of child protection practices at the City, to assess compliance with current City policies and procedures and inform continuous improvement.
8. In 2020, the Policy was elevated from a corporate to a Council Policy to enable the City to communicate its approach to child safety to both staff and the community.
9. In September 2022, the Policy was updated in accordance with recommendations made following an external review of the City's performance against the NSW Child Safe Standards and was made publicly available via the City's website.
10. The review date for the Policy and procedures has been set at four years, or upon any material change in child safety legislation.

Scope of policy review

11. This review has considered the requirements of the Child Safe Scheme introduced in February 2022 under the Children's Guardian Act 2019 (NSW), including the requirement for all local governments in NSW to meet the NSW Child Safe Standards.
12. This review has also considered any supporting guidance material that has been provided by the NSW Office of the Children's Guardian released since the last Policy was endorsed by Council in September 2022.

13. The NSW Child Safe Standards incorporate existing child protection compliance requirements including working with children checks; the reportable conduct scheme, mandatory reporting of risks 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.
14. The NSW Child Safe Standards also require organisations to go beyond a compliance mindset and adopt a continuous improvement mindset with a focus on child safety, wellbeing and healthy development. There is also a focus on empowering children to participate in decisions that affect them.
15. The NSW Office of the Children's Guardian is 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.
16. At the time of the last review, the City's child safety policies, procedures and practices were assessed against the NSW Child Safe Standards. The City engaged child safeguarding experts to conduct independent assessments, the findings of which informed the City's Corporate Child Safety Risk Management Plan.
17. Priority actions that were identified under the Corporate Child Safety Risk Management Plan for incorporation into this Policy review have also been actioned, to increase the City's alignment with the NSW Child Safe Standards.

Key changes to the policy:

18. This review of the Policy has resulted in minor changes including:
 - (a) An additional sentence to describe the collective responsibility of all City staff to maintain a genuinely child safe environment across facilities, programs, venues and events, regardless of whether they are engaged in child-related work or not. This change also reflects the City's commitment to Standard 1 'Child safety is embedded in organisational leadership, governance and culture'.
 - (b) A new sub-section that includes brief descriptions of higher risk activities and how the City mitigates these. This is in accordance with risk management guidance from NSW Office of the Children's Guardian, which states child safety policies should address matters of high risk. This change reflects the City's alignment to Standard 3 'Families and communities are informed and involved', and Standard 10 'Policies and Procedures document how the organisation is child safe'.
 - (c) The inclusion and updating of definitions of key terms including Child abuse, and Corporate Risk Management Plan.
 - (d) Minor wording edits throughout that increase alignment with Standard 4 'Equity is upheld and diverse needs are taken into account':
 - (i) the replacement of references to 'vulnerable' children that reflect strengths-based approaches; and
 - (ii) updated language in the Equity and Diversity section to be consistent with best practice and relevant City guidelines about LGBTQA+ people and communities.

- (e) Housekeeping changes such as, changes to names of related policies and procedures, legislation and business units, sections and roles.

Supporting activity

19. Beyond this review, the City is taking actions towards greater alignment with the NSW Child Safe Standards, including:
 - (a) publishing the City's Child Safe Code of Conduct – Facilities and Venues on the City of Sydney Child Safety Policy web page, to generate greater public awareness of the behaviours expected of adults at the City.
 - (b) increasing accessibility and understanding of the Child Safety Policy by commissioning an Easy Read version of the Policy; and
 - (c) developing a Child-friendly Policy summary and child-friendly resources describing the City's Commitment to child safety. This is being done in consultation with young people attending several City youth programs and after school programs.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

20. 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

21. 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 NSW Office of the Children's Guardian.
22. Meeting the NSW Child Safe Standards is a whole of organisation commitment. The City continues to engage with the NSW Child Safe Standards through its Child Safety Program Control Group, who oversee ongoing reviews of operational procedures which will give effect to the principles of the Policy, oversee the development of child safety risk management plans and foster a culture of continuous improvement for the City's child safety practices within the organisation.

Risks

23. The NSW Office of the Children's Guardian is the regulator of the NSW Child Safe Standards.
24. From 1 February 2023, Part 9A of the Children's Guardian Act 2019 came into force, which allows the NSW Office of the Children's Guardian to take action to ensure organisations comply with the Child Safe Standards. This means where organisations do not comply with the Child Safe Standards, the NSW Office of the Children's Guardian can:
 - (a) issue a compliance notice to the organisation, or
 - (b) accept an enforceable undertaking from the organisation.
25. The City may be subject to compliance notices or enforceable undertakings should the NSW Office of the Children's Guardian reasonably believe that children are or may be at risk of harm because the City's systems, policies or processes fail or do not reflect or implement the NSW Child Safe Standards. If an organisation fails to comply with a compliance notice or enforceable undertaking, the NSW Office of the Children's Guardian may commence proceedings to issue penalties.
26. The NSW Office of the Children's Guardian is to maintain a list of compliance notices that are in effect and make the list publicly available on the NSW Office of the Children's Guardian's website. A child safe organisation that produces an annual report must include in the report the details of any compliance notice that applied to the organisation during the period covered by the report. Organisations subject to compliance notices and enforceable undertakings, in addition to the penalties, may be at risk for loss of reputation.

Social / Cultural / Community

27. The City 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.

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

29. Implementation of the Child Safety Policy will be managed within existing staff resources and operating budget.
30. 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

31. Child Protection (Working with Children) Act 2012
32. Child Protection (Working with Children) Regulation 2013
33. Children and Young Persons (Care and Protection) Act 1998
34. Children's Guardian Act 2019
35. Civil Liability Act 2002
36. Crimes Act 1900
37. Local Government Act 1993
38. National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth).
39. NSW Child Safe Standards
40. NSW Children (Education and Care Services National Law Application) Act 2010
41. Privacy and Personal Information Protection Act 1998
42. State Records Act 1998
43. United Nations Convention on the Rights of the Child (1990)

Public Consultation

44. A targeted number of young people who are members of the City's Youth Civic Participation Program and who attend other youth programs at the City were consulted in the development of an age-appropriate young person summary of the Policy. This is being developed in parallel with the Policy and following further consultation will be published once the Policy is adopted by Council.
45. Extensive internal consultation was also undertaken in the development of this review.
46. Ongoing consultation to be conducted includes engagement regarding the Easy Read Policy with young people with sensory processing needs and/or who are on the autistic spectrum who attend City of Sydney youth programs.

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