

Hay Shire Council Policy



Title of Policy	Child Safe Policy		
This applies to	All Staff, Councillors, Volunteers & Contractors		
Author	David Webb	Date Approved:	23rd September 2025
Position of Author	General Manager	Authorised by:	Council
Legislation, Australian Standards, Code of Practice.	<p>Legislation:</p> <ul style="list-style-type: none"> - <i>Children's Guardian Act 2019 (NSW) No 25</i> - <i>Children's Guardian Regulation 2022 (NSW)</i> - <i>Children's Guardian Amendment (Child Safe Scheme) Bill 2021 (NSW)</i> - <i>Child Protection (Working with Children) Act 2012 (NSW)</i> - <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> - <i>Crimes Act 1900 (NSW)</i> - <i>Privacy Act 1988 (Cth)</i> - <i>Privacy and Personal Information Protection Act 1998 (NSW)</i> <p>Codes of Conduct and Council Policies:</p> <ul style="list-style-type: none"> - Hay Shire Council – <i>Code of Conduct</i> - Hay Shire Council – <i>Child Safe Code of Conduct</i> - Hay Shire Council – <i>Complaints Management Policy (2014)</i> - Hay Shire Council – <i>Grievance Policy and Procedures (2021)</i> - Hay Shire Council – <i>Volunteer Policy (2014)</i> - <i>Hay Shire Council Customer Service Charter (2025)</i> 		
Related Policies/Procedures			
Attachments			
Aim	<p>This policy guides elected members, workers (paid, contract and volunteer) on how to behave when interacting with children engaged in our services or with the wider organisation.</p> <p>The policy focuses on how to build and maintain child safe environments which are inclusive, transparent and promote children's participation.</p>		
Version	Details	Date	

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Version 1	Initial Issue	28/9/21
Version 2	Review	September 2025
To be reviewed	The policy and guidelines will be reviewed every four years in consultation with a range of stakeholders (including workers, children and families).	
Superseded Policies		
The Policy		

1. Children and young people are an important cohort in our community whose opinions will be sought and respectfully considered about matters that affect them.
2. Children and young people will have safe and happy experiences in our community when accessing Council facilities, programs, events and activities, or being in the care of our services.
3. The physical and online environments Council offers to children and young people will promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
4. A child and young person safe-culture will be embedded in Council's governance, management and staff (as well as volunteers and contractors providing direct services to children).
5. Staff, volunteers and contractors who routinely work directly with or near children and young people will always be vetted as suitable persons prior to employment and will receive appropriate training and support to keep children and young people safe and enhance their wellbeing.
6. Council has established processes to respond promptly and appropriately to any complaint or concern about the treatment of children and young people, whether the matter arises within Council services or is observed by Council personnel.
7. Council actively promotes and upholds the right of every child and young person—regardless of culture, language, ability, gender, socio-economic background, or family circumstances—to feel welcome and to participate fully in Council activities and programs. In keeping with the *Children's Guardian Act 2019* (NSW), the *Child Protection (Working with Children) Act 2012* (NSW), and relevant anti-discrimination and privacy legislation, Council is committed to creating inclusive, child-safe environments that value diversity, respect individual needs, and remove barriers to participation so that all children can realise their full potential.
8. Hay Shire Council will promote child-safety and wellbeing in the community, in families and in the workplace.
9. Council is committed to the continuous review and improvement of its Child Safe Standards in accordance with the *Children's Guardian Act 2019* (NSW) and the Child Safe Standards for Organisations issued by the NSW Office of the Children's Guardian. These standards are regularly evaluated to ensure Council maintains robust, evidence-based practices and meets all statutory and regulatory obligations in safeguarding children and young people.

Purpose

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- Council is committed to providing environments in which children and young people experience safety and wellbeing when participating in Council facilities, programs, events, activities, and services.
- Council is committed to actively involving children and young people in organisational decision-making, particularly on matters that directly affect them.
- Council requires all staff, volunteers, students, work-experience participants, contractors and suppliers to uphold and promote the safety and wellbeing of children and young people, and to respond appropriately to any identified concerns.
- Council is committed to providing ongoing education for children, young people, their families, staff, volunteers, contractors and key stakeholders on their rights, responsibilities and the reporting processes related to child protection.

Child Safe Standards

The Office of the Children's Guardian introduced the Child Safe Standards in 2019 to improve the way organisations provide services for children and young people and to prevent and respond to child abuse that may occur within organisations.

Council is committed to the Child Safe Standards which are:

- Standard 1:* Child safety is embedded in organisations leadership, governance and culture
- Standard 2:* Children participation in decisions affecting them and are taken seriously
- Standard 3:* Families and communities are informed and involved
- Standard 4:* Equity is upheld and diverse needs are taken into account
- Standard 5:* People working with children are suitable and supported
- Standard 6:* Processes to respond to complaints of child abuse are child focused
- Standard 7:* Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
- Standard 8:* Physical and online environments minimize the opportunity for abuse to occur
- Standard 9:* Implementation of the Child Safe Standards is continuously reviewed and improved
- Standard 10:* Policies and procedures document how the organization is child safe

Children's and Parents' Participation

- Council actively supports the participation of children and young people in all programs, activities and services, recognising their right to be heard and to contribute to matters that affect them.
- Council provides a variety of accessible and age-appropriate avenues for children and young people to give feedback or raise concerns. We listen respectfully to their views and ensure their input is considered in decisions, particularly those that directly impact them.
- Children, young people and their parents or carers are routinely provided with Council's Child Safe Commitment Statement and this Policy when joining any Council program or service, reinforcing our shared responsibility for child safety and wellbeing.

Recruitment of staff and volunteers and appointment of contractors

Council will meet all legal requirements to ensure that only individuals holding a valid Working With Children Check (WWCC) are engaged in child-related work, in accordance with the *Child Protection (Working with Children) Act 2012* (NSW) and the *Child Protection (Working with Children) Regulation*

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2013 (NSW).

Complaints Management and Reporting

- Complaints and allegations against staff, elected members, contractors and sub-contractors, work-experience participants, volunteers, students on placement, children's services educators, facility hirers and lessees involving a child or young person will be handled in accordance with the *Children's Guardian Act 2019* No 25 (NSW).
- All allegations will be immediately reported to the Executive Officer who will ensure the matter is reported to the General Manager and is appropriately investigated and reported to the relevant oversight agencies in accordance with Council policies and relevant NSW Government legislation and regulation.

Training/education of workers and parents, and support and supervision of workers

- All new workers receive Council's Child Safe Commitment Statement and this Policy during induction, reinforcing our commitment to child safety from the outset.
- Child safety is a standing agenda item—alongside Work Health and Safety—at team meetings and toolbox talks to maintain ongoing awareness.
- Workers are encouraged to ask questions and actively contribute to the continuous improvement of child-safe policies, procedures and practices.
- Where practical and relevant, parents are provided with the *Parent's Guide to Child Protection Issues* to support community understanding of child-safety responsibilities.

Privacy

Council affirms its obligation under the *Children's Guardian Act 2019* No 25 (NSW), the *Child Protection (Working with Children) Act 2012* No 51 (NSW) and the *Privacy and Personal Information Protection Act 1998* (NSW) to handle all reports or investigations of alleged child abuse with the highest standards of sensitivity and confidentiality. All Council employees involved in reporting or investigating such allegations must respect the privacy of those concerned while fully complying with their mandatory reporting responsibilities. This requirement does not limit or diminish any employee's legal duty to report suspected child abuse.

Any person who makes an allegation of child abuse is protected from reprisal under Council's *Public Interest Disclosures Policy* and the *Public Interest Disclosures Act 2022* (NSW).

Risk Management

Council recognises the importance of a structured risk-management approach, as required under the *Children's Guardian Act 2019* No 25 (NSW) and the NSW Child Safe Standards, to minimise the potential for child abuse or harm. This approach informs all related Council policies, strategies and actions.

To maintain a child-safe culture, Council will ensure that all employees, Councillors, volunteers and contractors are informed, resourced and supported to understand their obligations in providing a safe environment for children and young people, in line with the *Child Protection (Working with Children) Act 2012* No 51 (NSW) and the *Child Protection (Working with Children) Regulation 2013* (NSW).

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Identifying risks to children and young people and implementing appropriate controls is fundamental to child safety. Council's Child Safety Risk Management Plans will set out how the safety and welfare of children and young people participating in Council events, programs and services are assessed, managed and continuously reviewed in accordance with these legislative requirements.

Child safety Risk Management Plans are required for:

- Each Council facility where children and young people attend
- Events programs or services provided by Council employees delivered outside of a Council facility where children and young people are expected to attend.

Supervision of Children and Young People

- Children should be accompanied and appropriately supervised by a parent, guardian or other responsible carer when attending Council facilities, programs or events. While there is no legislated minimum age in New South Wales, child-protection authorities and recognised parenting resources consistently identify around 10 years of age as a commonly accepted baseline for when most children may have the maturity to be left unsupervised for short periods. Council acknowledges that the level of independence varies and may be assessed on a case-by-case basis at the discretion of the relevant Council manager or delegated staff member. In all circumstances, the parent or guardian retains primary duty of care.
- Council staff do not provide ongoing supervision of children and are not responsible for their welfare beyond normal workplace health and safety obligations.
- Unattended children who appear to be at risk will be managed in accordance with the *Children and Young Persons (Care and Protection) Act 1998* (NSW), including making a report to the Department of Communities and Justice where appropriate.
- Council programs and services will continue to promote the safety, wellbeing, literacy, creativity and digital skills of children and young people in line with the NSW Child Safe Standards and Council's commitment to a child-safe culture.

Roles and Responsibilities

Council

Publicly commits to child safety and embeds a child safe culture as adopted in Council's Child Safe Code of Conduct.

General Manager

The General Manager is responsible for ensuring that Council fulfils its responding and reporting obligations and to notify the Office of the Children's Guardian (NSW) when an allegation of child abuse is made against a Council employee, Councillor, volunteer or contractor. The General Manager is responsible for ensuring that Councillors are informed and supported to understand their role in providing a child safe environment.

Executive Managers

Directors and Managers are responsible for ensuring compliance with this policy and that all Council employees, contractors and volunteers are informed, resourced and supported to understand their role in providing a child safe environment.

Child Protection Officer

Council's People and Governance Executive Manager has been appointed as the Child Protection

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Officer and their responsibilities are:

- Provide ongoing support and response to concerns about the safety and wellbeing of children while engaged in services, programs or events delivered by Council.
- To notify the Office of the Children's Guardian (NSW) when an allegation (of which they are aware) of child abuse is made against a Councillor, employee, volunteer or contractor.

Council Employees, Councillors, Contractors and Volunteers Council Employees

Council requires all roles—including Councillors, employees, contractors and volunteers—to:

- Comply with this Child Safe Policy and fulfil all reportable conduct, responding and mandatory reporting obligations, demonstrating at all times their understanding of their child-safety responsibilities.
- Act in accordance with Council's Code of Conduct and Child Safe Code of Conduct, which set clear expectations for professional and ethical behaviour.
- Acknowledge that the appointment of a Child Protection Officer does not remove the individual mandatory reporting duties of other Council officers under section 27 of the Children and Young Persons (Care and Protection) Act 1998 (NSW).
- Take immediate action to respond and report whenever a child or young person is suspected to be at risk of significant harm, in line with legislative requirements and Council procedures.
- All staff are required to fully comply with their responding, reporting and reportable-conduct obligations and must take prompt action whenever a child or young person is suspected of being at risk of significant harm. Council is firmly committed to ensuring that every employee, Councillor, contractor and volunteer understands and consistently fulfils these obligations in accordance with section 27 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW) and all relevant Council policies and procedures.

Definitions

Allegation	Includes an allegation that 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 Council.
Barred	Refusal by the NSW Office of the Children's Guardian (OCG) for a NSW Working with Children Check. Three categories: 1) Interim bar – risk assessment required to be undertaken by the NSW OCG. Person must immediately stop working in child-related employment. Can be appealed by the individual. 2) Bar – outcome of risk assessment undertaken by the NSW OCG. Person will not be cleared to work in child-related employment. 3) Autobar – person is immediately barred from working in child-related employment.
Child	A person who is under the age of sixteen (16) years.
Child Abuse	Child abuse or neglect shall mean the following: <ul style="list-style-type: none">• Physical abuse.• Lack of supervision.• Lack of physical shelter/environment.

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	<ul style="list-style-type: none"> • Inadequate medical care. • Inadequate access to education. • Sexual abuse. • Psychological harm. • Relinquishing care. • Parent/carer substance abuse. • Parent/carer mental health. • Parent/carer domestic violence. • Risks to an unborn child.
Child-Related Work	<p>Work (including voluntary work) is:</p> <ul style="list-style-type: none"> • providing services for under 18s; • where the work normally involves being face-to-face with children; and • where contact with children is more than incidental to the work.
Contracted Service Provider	An organisation or entity contracted to provide goods, services or programs involving child-related work on behalf of, or in conjunction with, Council where that entity has been engaged as a result of informal or formal procurement processes such as a Request for Quotations (RFQs), Tenders, Expressions of Interests (EOIs), and one-off or standing purchase orders.
Council Employee	<p>Any person engaged in work for Council in any of the following capacities:</p> <ul style="list-style-type: none"> • full time, part time, casual, temporary, fixed-term, maximum term employees; • apprentices or trainees; • labour hire employees; • work experience students; • volunteers; and • for the purposes of this policy, Councillors.
Disqualified Person	A person convicted of, or subject to proceedings relating to, any offence(s) prescribed in Schedule 2 to the Child Protection (Working with Children) Act 2012 (NSW) Act.
Head of Entity	Person responsible for the entity's (being Council's) compliance with its legislative obligations. The Head of Entity for Council is the General Manager.
Reportable Allegation	<p>A reportable allegation in relation to an employee of the Council, 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 sexual offence; sexual misconduct; ill-treatment of a child; neglect of a child; an assault against a child; failure to reduce or remove the risk of a child becoming a victim of abuse or concealing child abuse; or behaviour that causes significant emotional or psychological harm to a child. <p>Examples of indicators of significant emotional or psychological harm in respect of paragraph (g) include:</p> <ol style="list-style-type: none"> displaying behaviour patterns that are out of character; regressive behaviour; or anxiety or self-harm.
Risk of Significant Harm	<p>A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are present to a significant extent, of any one or more of the following circumstances:</p> <ul style="list-style-type: none"> • Basic physical or psychological needs are not being met; or • Necessary medical care has not been arranged; or • Is not receiving an education in accordance with the Education Act 1990; or • Has been, or is at risk of being, physically or sexually abused or ill-treated; or • Is living in an environment of domestic violence and is at risk of serious physical or psychological harm; or • Someone has behaved in such a way toward the child/young person that they have suffered or are at risk of suffering serious psychological harm.
Significant	<p>What is meant by ‘significant’ in the phrase ‘to a significant extent’ is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family’s consent.</p> <p>What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person’s safety, welfare or wellbeing.</p> <p>In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child after the child’s birth.</p> <p>Significance can result from a single act or omission or an accumulation of these.</p>
Young Person	A person who is aged sixteen (16) years or above but who is under the age of

	eighteen (18) years.
Vexatious Complaint	Complaints that are instituted without sufficient grounds and serving only to cause annoyance