

POLICY No: 75
POLICY TITLE: CHILD PROTECTION POLICY & PROCEDURES
SECTION RESPONSIBLE: GOVERNANCE
MINUTE NO: 1535
REVIEW DATE: 30TH JUNE, 2010
OBJECTIVE:

Greater Hume Shire Council actively opposes child abuse practices and supports child protection and abuse prevention.

Greater Hume Shire Council believes that child protection is a broad responsibility.

It involves:

- The minimisation of the possibility of child abuse occurring.
- The training of personnel in best practice to ensure a safe environment.
- The immediate response to allegations of reportable offences/abuse and the implementation of thorough employment procedures.

All employees of Greater Hume Shire Council must read the contents of this policy.

The Induction process includes an introduction to this policy and the induction checklist form has a section where an employee signs off to say they have read, understood and are prepared to abide by the Child Protection Policy.

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CHILD PROTECTION POLICY & PROCEDURES

POLICY

Greater Hume Shire Council fully supports the objectives of Child Protection Legislation, and associated provisions, and will implement all necessary measures to ensure a safe and supporting environment within Council.

Under the provisions of this policy, Council will:

- i. Within the limits of its obligations and authority, ensure that children are protected from child abuse as defined in the Children and Young Persons (Care and Protection Act) 1998.
- ii. Maintain, and further develop, a Council workforce committed to child protection through a range of policies, procedures and practices, thereby ensuring that Council services are provided to children in a safe and caring environment.
- iii. Establish internal procedures and external inter-faces to prevent the employment of persons, or the use of services of persons, within Councils workforces who are either prohibited by law from working with children and/or young persons or who are considered by Council to be inappropriate persons to be working with children or young persons.
- iv. Facilitate the reporting of children and young persons at risk of harm.
- v. Provide a system for the reporting of any allegations of reportable offences in compliance with requirements of the Ombudsman Amendment (Child Protection and Community Services) Act 1998.
- vi. Ensure the prompt notification and investigation of allegations of all children and young persons being at risk of harm where allegations involve Council staff and other allegations that are legally required to be notified whether or not there is any supporting evidence that the abuse has taken place.
- vii. Ensure that Councils Code of Conduct is adhered to.

Under the provisions of this policy, Council **will not**:

- i. Employ or continue to employ a prohibited person in child-related employment;
- ii. Commence employing a person in employment that primarily involves direct contact with children where that contact is not directly supervised without first asking that person to disclose whether or not she/he is a prohibited person;

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- iii. Other than in circumstances detailed within this policy, commence employing a person in paid employment that primarily involves direct contact with children where that contact is not directly supervised without completing the Working with Children Check;
- iv. Inappropriately obtain or disclose information relating to the Working with Children Check.

Council reserves the right to vary or revoke this policy at any time.

SCOPE OF POLICY

This policy applies to:

- i. All employees (full time, part time and casual) of Greater Hume Shire Council; and
- ii. Any individual engaged by Council (in any paid or unpaid capacity) including:
 - a. Contractors and sub-contractors
 - b. Foster carers
 - c. Work experience participants placed within Council to work with children
 - d. Volunteers
 - e. Student placements
 - f. Family Day Carers

Whether or not employed or engaged in connection with any work or activities of Council that relate to children.

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REFERENCES

- i. Child Protection Legislation Amendment Act 2003
- ii. Part 3A of the Ombudsman Act 1974
- iii. Commission for Children and Young People Act 1998
- iv. Child Protection (Prohibited Employment) Act 1998
- v. Child Protection (Offenders Registration) Act 2000
- vi. Ombudsman Amendment (Child Protection and Community Services) Act 1998
- vii. Privacy and Personal Information Protection Act 1998
- viii. Freedom of Information Act 1989
- ix. Prohibited Disclosures Act 1994
- x. Civil Liability Act 2002

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DEFINITIONS

Compilation of definitions from those contained with the publications 'The Working with Children Check – Guidelines for Employers' produced by the NSW Commission for Children and Young People.

Approved Screening Agency: An employer or employer-related body approved by the Minister to carry out all or any of the relevant procedures for itself or on behalf of another employer. (Section 37 (4), Commission for Children and Young People Act 1998).

Child: A person who is under 18 years of age. (Section 3, Child Protection (Prohibited Employment) Act 1998).

Child-Related Employment: The definition of child-related employment differs slightly between the Child Protection (Prohibited Employment) Act 1998 and the Commission for Children and Young People Act 1998. The Working with Children Check uses the definition in the Child Protection (Prohibited Employment) Act 1998.

Under the Child Protection (Prohibited Employment) Act 1998 child-related employment means any employment of a kind listed in the legislation that primarily involves direct contact with children where that contact is not directly supervised (Section 3, Child Protection (Prohibited Employment) Act 1998). Primarily means that at least one of the essential duties of the position involves direct, unsupervised contact with children (IRC Matter 4337 of 2000).

Under the Commission for Children and Young People Act 1998 child-related employment means any employment that involves direct contact with children where that contact is not directly supervised (Section 33).

Direct Supervision: Occurs when a person is present at all times, and is observing the contact by the person under supervision with any child and is responsible for directing that person if required.

Employee: Any person who is engaged in child-related employment in any of the following ways:

- paid employment;
- sub-contractors;
- volunteers for an organisation;
- ministers of religion;
- other members of religious organisations; or
- undertaking practical training as part of an educational or vocational course.

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Employer: A person who:

- engages a person in employment; or
- in the course of business, arranges for the placement of a person in employment with others.

Employment:

- performance of work under a contract of employment; or
- performance of work as a sub-contractor; or
- performance of work as a volunteer for an organisation; or
- undertaking practical training as part of an educational or vocational course; or
- performance of work as a minister of religion or other member of a religious organisation. (Section 33, Commission for Children and Young People Act 1998);
- the definition of employment in relation to prohibited employment also covers performance of work as a self-employed person. (Section 3, Child Protection (Prohibited Employment) Act 1998).

Employment Proceedings, relevant: Disciplinary proceedings completed in NSW or elsewhere, where an employer (or professional or other body that supervises the professional conduct of the employee), has found:

- reportable conduct; or
- that an act of violence committed by an employee in the course of employment and in the presence of a child has occurred, or there is some evidence it occurred, however the finding is inconclusive.

For employers oversighted by Part 3A of the Ombudsman Act 1974, the term "some evidence it occurred however the finding is inconclusive" includes matters found under the Ombudsman's scheme to be 'not sustained because of insufficient evidence.'

Completed employment proceedings also include processes which have been completed through the actions of the employee i.e. where an employee voluntarily terminates their employment before an employer finalises the disciplinary process.

Relevant employment proceedings do not include those where a finding is made that reportable conduct or an act of violence did not occur, or where the allegations have been found to be false, vexatious or misconceived.

Employment Screening: The process of gathering and assessing relevant information about an applicant for employment to assist employers make an informed decision on whether or not to employ an applicant for a position.

Information Package: Documents given to potential applicants by the employers. These provide advice about the available position, the employing organisation and any particular instruction on how to apply for work with the organisation.

Paid: A reference to 'paid' includes any person who receives a salary or remuneration such as cash, fee or stipend for the performance of work, whether as an employee, contractor,

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consultant or other like arrangement, but does not include reimbursement of 'out-of-pocket' expenses, receipt of 'in kind' or similar benefits.

Physical Assault: Using Common Law principles, physical assault must include all three of the following elements:

- It is an act committed on or towards a child;

and

- It involves either the application of force to a child or an act that causes a child to think that immediate force will be used on them;

and

- It is either **hostile** or **reckless** (a reckless act is one where the person foresees the likelihood of inflicting injury or fear, and ignores the risk).

Actual physical harm does not have to occur in order for an assault to have taken place, i.e. the child does not have to be injured.

Physical contact which is an inevitable part of everyday life does not amount to an assault.

Prohibited Person: A person convicted of a serious sex offence, or a Registrable Person, other than where there is an order in force declaring that the Child Protection (Prohibited Employment) Act 1998 does not apply to the person in respect of the offence. (Section 5 (1) (2), Child Protection (Prohibited Employment) Act 1998).

Registrable Person: A person who has been found guilty of a registrable offence against children under the Child Protection (Offenders Registration) Act 2000.

Reportable Conduct:

- a. any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence); or
- b. any assault, ill treatment or neglect of a child; or
- c. any behaviour that cause psychological harm to a child

whether or not, in any case, with the consent of the child. (Section 33, Commission for Children and Young People Act 1998).

Reportable conduct does not extend to:

- a. conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant professional standards; or
- b. the use physical force, in all the circumstances, is trivial or negligible, but only if the employer is an agency to which Part 3A of the Ombudsman Act 1974 applies

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and the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or

- c. conduct of a class or kind that is exempted from being reportable conduct by these Guidelines.

In the context of b. "trivial" and "negligible" carry their ordinary, everyday meaning.

Unpaid: Work for which payment, including stipend, fee or similar remuneration, is not made, e.g.: a volunteer.

Vexatious: (in relation to employment proceedings). Where enquiries into the matter find that the allegation was made without substance and with the intent of being malicious or to cause distress to the person against whom the allegation was made.

Working with Children Check: The Working with Children Check is the process developed to support the application of the Child Protection (Prohibited Employment) Act 1998 and Part 7 of the Commission for Children and Young People Act 1998 in employment screening.

PART 1

RECRUITMENT AND SELECTION TO COUNCIL DESIGNATED CHILD-RELATED POSITIONS

1.1 Appointment of an Approved Screening Agency

1.1.1 Council has selected and registered with the Commission for Children and Young People as Council's approved screening agency. This agency will provide checking services to Council in relation to child-related employment.

1.2 Designated Child-Related Employment Positions

1.2.1 Following reference to definitions of child-related employment contained within relevant legislation, the following positions within Council are designated as child-related employment positions:

Any paid or voluntary position within Council's

- a. Children's Services Section;
- b. Youth Services;
- c. Swimming Pool complexes
- d. Library Services
- e. Persons engaged as Immunisation Clinic Nurses;
- f. Persons engaged as Family Day Carers;
- g. Those positions throughout the organisation that supervise work experience students, apprentices or volunteers that are under the age of 18 years;
- h. Staff who supervise those employees who work in designated child related positions.

1.2.2 Council has an obligation, and reserves the right, to designate further positions as being child-related employment positions if further positions are identified or created.

A Working with Children Check is only to be conducted:

- a. Where employment screening is appropriate and in accordance with legislative requirements and this policy;
- b. A signed consent form is held by Council.

1.2.3 Subject to applicable exemptions, personal information obtained through the Working with Children Check and associated employment screening

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procedures is to be handled in accordance with the information protection principles in Part 2 of the Privacy and Personal Information Act.

It is Council policy that:

- a. The Working with Children Check (WWCC) is to be completed by the Approved Screening Agency; and
- b. A favourable determination in relation to suitability for employment in a designated child-related position being made prior to employment being offered; and
- c. Any existing employees who have not undergone a WWCC in the last 12 months and are changing sections or being promoted must be screened again.

The determination as to the suitability for employment within a designated child-related position is to be based upon the risk assessment undertaken by the Approved Screening Agency and the structured reference check conducted by Council.

1.3 Recruitment Advertising and/or Recruitment Documentation Including Advertisements Calling for Tenders

- 1.3.1 All recruitment advertising relating to a Council designated child-related employment position and also advertising calling for tenders in connection with any work or activities of Council that relate to children, is to bear the following notice:

'It is an offence under NSW legislation for a person convicted of a serious sex offence to apply for this position or tender for this service.'

1.4 Checking Process

- 1.4.1 The interview panel convenor or responsible manager is to ensure that all persons being interviewed for a designated child-related position complete a Prohibited Employment Declaration and the Working with Children Check consent form (See Appendix 'C').

The interview panel convenor or responsible manager is to submit the Working with Children Check consent form for action to:

- a. The Manager Human Resources for all positions other than Family Day Care carers.
 - b. The Coordinator of Hume Billabong Family Day Care scheme for all Family Day Care carers.
- 1.4.2 The Prohibited Employment Declaration is to remain with the original application to be placed on the Staff file of the successful applicant.

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1.5 Response to Working with Children Check

- 1.5.1 The Manager Human Resources, or their delegate shall advise the interview panel convenor of the outcome of the check. Receipt of the check response is to be recorded in the appropriate space on the selection report and the clearance certificate is to be placed on the file.

1.6 Referee Checks

- 1.6.1 In the addition to the requirement to lodge a Prohibited Person Declaration and Working with Children Check Consent Form, all applicants for paid or unpaid employment within a Council designated child-related position are to:

- a. Provide a detailed work history; and
- b. Nominate two referees and provide full contact details for each.

- 1.6.2 The interview panel convenor shall document verbal reference checks conducted on preferred applicants if telephone referees are provided. Refer also to Greater Hume Shire Council Recruitment and Selection Policy.

1.7 Rejected Applicants Notification

- 1.7.1 Without exception, the General Manager or authorised delegate is to be advised of any case where an application for employment within a designated child-related position is rejected as a result of information obtained in the employment screening process.

The General Manager or authorised delegate shall notify the Commission for Children and Young People of any such rejection using the prescribed form.

Job/Position Descriptions

- 1.7.2 Managers responsible for child designated positions are to ensure that all Job/Position descriptions include the following:

"This position is 'Child Related Employment' and it is an offence for a prohibited person to apply. All applicants will be required to sign a declaration and consent form to conduct a working with children check."

1.8.1 Staff Induction

- 1.8.1 Council's induction procedures relating to new employees and others performing work in a paid or unpaid capacity are to include information about the provisions of this policy.

PART 2

NOTIFICATIONS TO THE NSW DEPARTMENT OF COMMUNITY SERVICES

2.1 Mandatory Reporting Requirements

2.1.1 Under provisions of the Children and Young Persons (Care and Protection) Act 1998, the reporting of child abuse or risk of harm relating to children under 18 years of age is mandatory for certain employees when they have 'reasonable grounds to suspect' that a child has been or is in danger of being abused and/or neglected. This responsibility extends to:

- 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
- b. their direct managers and supervisors.

2.1.2 A person who has a mandated responsibility has that responsibility personally.

2.1.3 Where concerns arise in the course of their work and they have reasonable grounds to suspect that a child or young person is at risk of harm from child abuse, a person with this mandated responsibility must report their concerns to the Department of Community Services.

2.1.4 Council recommends that staff who have concerns:

- a. Act immediately if the child is at risk i.e. ring Police on 000, DoCS Helpline General on 132 111, or DoCS Mandated Reporters on 133 627.
- b. Discuss the concern with your supervisor, the Human Resources Manager or the General Manager.
- c. For Children's Services staff discuss the concern with your supervisor – these concerns may be discussed at a staff meeting and depending on the indicators it may be decided to document and observe, or your supervisor will take the concerns to the General Manager, Human Resources Manager or Director Corporate & Community Services where a decision will be made to report the alleged incident or continue documentation and observation.

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2.2 Complaints and Concerns

- 2.2.1 After lodging a notification with DoCs, acknowledgement and follow-up should be sent to the officer who made the notification. If you feel that the child is still being abused or if the child remains at risk report the incident again by ringing the Police on 000 or DoCs on 133 627 or 132 111.

PART 3

**REPORTING AND RESPONDING TO ALLEGATIONS OF REPORTABLE
CONDUCT**

3.1 General Manager Designated Head of Agency

3.1.1 The General Manager is nominated by Council as having powers, functions and responsibilities assigned to the 'Head of Agency' within the Ombudsman Amendment (Child Protection and Community Services) Act 1998.

3.2 General Reporting Responsibilities

3.2.1 For the purposes of this policy, and associated procedures, the word 'employee' includes:

- i. All employees of Greater Hume Shire Council; and
- ii. Any individual engaged by Council (in any paid or unpaid capacity) including:
 - a. Contractors and sub-contractors
 - b. Foster carers
 - c. Work experience participants placed within Council to work with children
 - d. Volunteers
 - e. Student placements
 - f. Family Day carers

Whether or not such individual is employed or engaged in connection with any work or activities of Council that relate to children.

3.2.2 All Council employees, contractors or persons serving with Council in either a paid or unpaid capacity, who suspect that a child has been or is being abused, are required to report their concern to their supervisor, the Human Resources Manager or the General Manager.

3.2.3 All Council employees are required to notify the Human Resources Manager or General Manager of any child abuse allegation or conviction made against an employee of Council of which they become aware.

3.2.4 Any other person who believes on reasonable grounds that a child has been or is being abused by a Council employee in the course of the employee's work or any other situation, is encouraged to report their concern to the Human Resources Manager or General Manager.

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3.3 General Provisions

3.3.1 All allegations of reportable conduct, or misconduct that may involve a reportable offence, against employees of Council will be notified to the Ombudsman, irrespective of the General Manager's or any other persons opinion as to whether or not the child or young person has been harmed and regardless of whether the alleged behaviour is thought to have occurred, providing:

- a. The person, the subject of the allegation, is clearly identifiable and a current employee of Council; and
- b. The allegation details specific conduct or a pattern of behaviour that meets the definition of Reportable Conduct.

The above provisions may apply to allegations made against a current employee of Council, even though the allegations may relate to a period of time prior to the person's employment with Council.

3.3.2 Councils are public authorities under Section 251 of the Ombudsman Act. Public authorities are only required to report to the Ombudsman allegations or convictions **arising in the course of the work of the agency**. The exception to this is where a Council runs a childcare centre, which is a 'designated agency.' As a designated agency, Council-run childcare centres have different reporting requirements than do the rest of Council. Allegations or convictions for child abuse against employees of a childcare centre must be reported to the Ombudsman whether the incident occurred during or outside work hours.

3.3.3 Should the General Manager receive allegations concerning the family members of an employee, and the General Manager is satisfied that they do not relate to the employee, then:

- a. The notification provisions detailed above do not apply; however
- b. Should the General Manager have reasonable grounds to suspect that the family member has abused, or is abusing a child; the General Manager shall notify the Department of Community Services in accordance with Mandatory Reporting provisions outlined in section 2 above.

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3.4 Responsibilities of the General Manager

3.4.1 The General Manager is required to initiate action to:

- a. Set up systems for preventing, handling and responding to allegations or convictions of reportable conduct against an employee of the agency;
- b. Provide, when requested by the Ombudsman, information about the type and operation of those systems;
- c. Make arrangements within the agency to require all employees to notify the head of agency of any child abuse allegation or conviction made against an employee of which they become aware;
- d. Notify the Ombudsman of all allegations of reportable conduct or conviction against an employee of Council of which they are notified or become aware. Such notification is to be made:
 - a. As soon as practicable, and in any event, within 30 days of the General Manager becoming aware of the allegation or conviction (or within such further period as may be agreed to by the Ombudsman); and
 - b. By using the Child Protection Notification Form, contained within Part 6 of the Child Protection in the Workplace Manual.
- e. Make a decision as to whether the employee, who is the subject of the allegation, is to be suspended or, by agreement, transferred to another position or place of work whilst the investigation is being conducted. This decision, and its implementation, is to be made in accordance with relevant provisions of Clause 31 of the Local Government (State) Award where appropriate.
- f. Initiate action to assess and monitor the risk of continued access of the person who is the subject of the investigation to children. Factors that should be considered include the nature of the allegation, the vulnerability of children, the nature of the position occupied by the employee and the level of supervision of the employee. The disciplinary history, safety of the employee and risk to the investigation may also be factors in considering whether or not to leave the employee in their position while the investigation is conducted. The General Manager will take appropriate action to minimise risks should they be identified as significant.

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- g. Notify the Ombudsman as to whether or not Council proposes to take any disciplinary or other action in relation to the employee the subject of the allegation or conviction, and the reasons why Council intends to take or not to take any such action. Such notification is to be made as soon as practicable. Should the employee be a contractor or sub-contractor, the notification to the Ombudsman will be as to whether or not the contract is to be cancelled (refer Part 6).
- h. Notify the Ombudsman of any written submissions made concerning any allegation or conviction that the employee concerned wished to have considered in determining what (if any) disciplinary or other action should be taken in relation to the employee. Such notification is to be made as soon as practicable.
- i. Provide the Ombudsman with such documentary and other information as the Ombudsman may from time to time request to assist in the Ombudsman's monitoring of an investigation conducted by or on behalf of the Council into a child abuse allegation or conviction.
- i. As soon as practicable after being satisfied that an investigation into an allegation of reportable conduct or conviction conducted by or on behalf of Council has been concluded, provide the Ombudsman with:
 - a. A copy of any report prepared by, or provided to the General Manager, as to the progress or results of the investigation, and copies of all statements taken in the course of the investigation and of all other documents on which the report is based that are available; and
 - b. Such comments on the report and statements as the General Manager thinks fit; and
 - c. Advice as to the action that has been taken or is proposed to be taken with respect to an allegation of reportable conduct or conviction the subject of the investigation.
- k. Provide such additional information as the Ombudsman considers necessary to enable the Ombudsman to determine whether an allegation of reportable conduct or conviction was properly investigated and whether appropriate action was taken as a result of the investigation.
- l. Defer any Council investigation into an allegation of reportable conduct or conviction if the Ombudsman notifies Council that the Ombudsman intends to investigate the matter and that the investigation by the Council should be deferred.
- m. At the conclusion of an investigation by the Ombudsman, or on a decision by the Ombudsman to refer the matter back to the Council, to receive from the Ombudsman any recommendations for actions to be taken with

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respect to the matter, together with information in relation to the recommendations.

- n. Comply with any other obligations imposed by the administration of the Ombudsman Act.

PART 4

GENERAL PROVISIONS RELATING TO THE CONDUCT OF WORKPLACE INVESTIGATIONS INTO AN ALLEGATION OF REPORTABLE CONDUCT

Council shall properly conduct and speedily conclude an investigation into an allegation of reportable conduct.

4.1 Deferral of Council Investigation

Where necessary, Council's investigation will be deferred:

- a. Pending conclusion of an external investigation in order not to jeopardise the conduct of that examination; or
- b. Upon direction of the Ombudsman.

Where it is proposed to defer the conducting of a Council investigation, the General Manager is to seek advice from the Ombudsman's office.

4.2 Responsibilities of the General Manager

In addition to other responsibilities assigned to the General Manager within this policy, in relation to each investigation conducted by Council under the provisions of this policy, the General Manager is to:

- a. Develop, or cause to have developed, terms of reference for the investigation;
- b. Appoint investigating officers being two persons not directly involved in the allegation/s being investigated and who have the necessary skills and knowledge to conduct a thorough and valid investigation;
- c. Monitor the progress of the investigation to ensure that it is properly conducted and speedily concluded;
- d. Upon conclusion of the investigation by the investigating officers, determine what action is to be taken by Council.

4.3 Responsibilities of Investigating Officers

It is the responsibility of the Investigating Officers to:

- a. Properly conduct and speedily conclude the investigation within the scope of the terms of reference;
- b. Advise the General Manager of any limitations imposed by the terms of reference if such limitations are identified in the course of the investigation;

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- c. Maintain thorough records, including statements of evidence, in support of the investigation process, investigation report and subsequent recommendations;
- d. Records must be kept indefinitely and stored in a secure location. The Records Officer will arrange for storage and access;
- e. Apply the principles of natural justice and procedural fairness to all parties involved at all stages of the investigation process;
- f. Provide the details of the allegation to the employee once the relevant evidence has been gathered;
- g. Advise the General Manager immediately if the investigation process indicates that the matter should be referred to an external agency, for example the NSW Police Service;
- h. Stress to all parties involved in the investigation process the need to maintain confidentiality;
- i. If an allegation is unsubstantiated this does not mean it is wrong or false.

4.4 Principles of Procedural Fairness

At all times throughout an investigation process, Council will:

- a. Provide the person who is the subject of an allegation the opportunity to make submissions (regarding the allegations and proposed adverse findings), inform them of any appeal or review mechanisms, e.g. through industrial relations process, or to the Ombudsman where the employee has a complaint about the way the agency has handled the investigation into the allegation;
- b. Inform the person who is the subject of an allegation the substance of the allegation made against them and provide them with a reasonable opportunity to put forward their opinion or version of events;
- c. Take necessary steps to protect the person who made the allegation from harassment, persecution, or vilification;
- d. Make reasonable enquiries or investigations before making a decision;
- e. Ensure that no person decides a case in relation to which they have a conflict of interest;
- f. Act fairly and without actual or perceived bias; and
- g. Conduct the investigation without undue delay.

4.5 Provision of Assistance and Support to all Parties

Council will support the needs of children, young people and their families who are the subject of an allegation of reportable conduct through the provision of specialist counselling at the discretion of the General Manager. Subject to such approval being granted by the General Manager, Council shall meet all reasonable expenses incurred.

An employee who is the subject of an allegation, persons called upon as witnesses and other parties as authorised by the General Manager will also be offered support through Council's Employee Assistance Programme.

Other services that may be offered to any party, at the discretion of the General Manager, include:

- a. Medical services
- b. Legal services
- c. Trauma/Grief counselling
- d. Services offered by Government Departments and Agencies.

PART 5

NOTIFICATION OF COMPLETED RELEVANT DISCIPLINARY PROCEEDINGS

5.1 Reporting Requirements

5.1.1 The General Manager or authorised delegate is to ensure that the Commission for Children and Young People are notified of any relevant disciplinary proceedings which are completed by Council or by a professional or other body that supervises the professional conduct of the employee.

This requirement does not apply when it is established that the allegations were false, vexatious or misconceived.

The proceedings to be notified include completed proceedings involving reportable conduct, sexual misconduct or acts of violence committed by the employee in the course of employment where these acts:

- a. Involved children;
- b. Were directed at children; or
- c. Took place in the presence of children.

5.1.2 For the purposes of this policy, relevant disciplinary proceedings are deemed to have been completed:

- a. Once Council or a professional body has reached a point where the investigation of the matter has concluded and a finding has been reached, irrespective of whether disciplinary action is yet to be initiated; and
- b. Where the relevant disciplinary proceedings are completed at the instigation of the employee by the employee terminating their own employment by their own choice before the Council or the professional body has had the opportunity to finalise the disciplinary process.

5.1.3 The Commission for Children and Young People is to be notified of relevant disciplinary proceedings using the prescribed form – See Appendix C.

5.1.4 Any current or former employee of Council who is the subject of such a notification is to be notified that details of completed relevant disciplinary proceedings involving them are registered with the Commission for Children and Young People. Such notification is to be provided in the prescribed form – See Appendix C.

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5.2 Provision of Information to Approved Screening Agencies

The General Manager or authorised delegate is authorised to provide, upon request, appropriate information to Approved Screening Agencies relating to employees who have been subject to completed relevant disciplinary proceedings.

PART 6

OBLIGATIONS IN RELATION TO EXTERNAL RELATIONSHIPS

6.1 Contractors and Sub-Contractors

- 6.1.1 Contractors and sub-contractors employed or engaged in connection with any work or activities that Council has deemed as meeting the definition of child related employment must ensure that all personnel used sign a Prohibited Person's Declaration – see Appendix C.
- 6.1.2 The signed declaration and a listing of said persons must be provided to Council.
- 6.1.3 All contracts for the engagement of contractors and sub-contractors are to include a clause as follows:
 - a. should the contractor or sub-contractor become the subject of an allegation of child abuse, the General Manager reserves the right to suspend the contract whilst the allegation is being investigated; and
 - b. should the allegation prove to be founded then the General Manager reserves the right to cancel the contract.

6.2 Facilities Hirer Agreements

- 6.2.1 It is a condition of the hire agreement that a hirer who provides activities which involve children comply with the obligations under the Child Protection (Prohibited Employment) Act 1998 and the Commission for Children and Young People Act 1998.
- 6.2.2 All applications for casual or permanent hire of Council's facilities should include the following clauses:
 - a. Groups and organisations which hire or lease Council premises or facilities for activities which involves children under 18 years of age are reminded of the requirements of the Child Protection (Prohibited Employment) Act 1998 and the Commission for Children and Young People Act 1998.
 - b. All employers (which include employers of volunteers and others) must comply with the mandatory guidelines available from the Commission for Children and Young People via their website www.kids.nsw.gov.au. These guidelines contain forms including declarations and consents which must be made by prospective employees.
 - c. Hirers must disclose to potential customers/team members that they (the hirer) are an independent body from Council.

CHILD PROTECTION POLICY & PROCEDURES

6.3 Lease/Licence Agreements

6.3.1 The following clauses are to be included in lease or licence agreements:

The Lessee covenants with the Lessor that:

- a. the Lessee is aware of the provisions of the Child Protection (Prohibited Employment) Act 1998 and that it is an offence for the Lessee to employ a prohibited person in child-related employment under Section 5, 6 and 8 of the Act;
- b. the Lessee is to ascertain whether a prospective employee, or current employee, is a prohibited person in accordance with Section 7 of the Act before any person is to be employed upon the demised premises of the Lessee;
- c. the Lessee is to comply with the Greater Hume Shire Council's Child Protection Policy and Procedures, a copy of which will be made available on request by the Lessee, or at the discretion of the Lessor.

CHILD PROTECTION POLICY & PROCEDURES

GREATER HUME SHIRE COUNCIL CHILD PROTECTION POLICY – APPENDIX B

Employee Declaration

I, have read and understood the attached policy and understand Greater Hume Shire Council's commitment to minimise the potential for child abuse and support child protection and abuse prevention.

Printed Name

Signed

Date

This declaration should be placed on the employees staff file.

CHILD PROTECTION POLICY & PROCEDURES

WORKING WITH CHILDREN CHECK FORMS – APPENDIX C

POLICY DOCUMENT CONTROL

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|--|----------------------------|----------------------|
| GHS Child Protection Policy & Procedures | First adopted | 27 Sep 2006 Min 748 |
| GHS Child Protection Policy & Procedures | Readopted with alterations | 25 Jun 2008 Min 1535 |