

# Child Safe Code of Conduct – Council Officials

## Policy administration

<b>Dates</b>	Policy approved 28/09/2023 This policy is effective upon its approval. Policy is due for review 09/2026
<b>Approved by</b>	Council Meeting 28/09/2023 Council Resolution COM-23-23
<b>Policy Type</b>	<input type="checkbox"/> Executive Policy <input checked="" type="checkbox"/> Council Policy
<b>Exhibition Period</b>	Not applicable
<b>Policy Owner</b>	Manager Community and Early Learning Services Community and Culture Directorate
<b>Related Documents</b>	<a href="#">Georges River Council Code of Conduct</a> <i>Georges River Council Child Protection Action Plan</i> <i>Georges River Council Child Protection Risk of Significant Harm Reporting Flowchart</i> <i>Georges River Council Allegations Against Council Representatives Involving Children and/or Young People Procedure</i> <i>Mandatory Reporter Guide (MRG)</i> <i>Royal Commission Final Report Recommendations (2017)</i> <i>NSW Child Safe Standards</i> <a href="#">National Principles for Child-Safe Organisations</a> <i>The United Nations Convention on the Rights of the Child (1990)</i>
<b>References &amp; Legislation</b>	<a href="#">Advocate for Children and Young People Act 2014</a> <a href="#">Child Protection (Offenders Prohibition Orders) Act 2004</a> <a href="#">Child Protection (Offenders Registration) Act 2000</a> <a href="#">Children's and Young Persons (Care and Protection) Act 1998</a> <a href="#">Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015</a> <a href="#">Children and Young Persons (Care and Protection) Regulation 2012</a> <a href="#">Child Protection (Working with Children) Act 2012</a> <a href="#">Child Protection (Working with Children) Regulation 2013</a> <a href="#">Children's Guardian Act 2019</a> <a href="#">Privacy and Personal Information Protection Act 1998</a>
<b>Document Identifier</b>	Policy #: Pol-093.01 Doc #: D23/221238
<b>Breaches of Policy</b>	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.

<b>Record Keeping</b>	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.
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## Purpose

Georges River Council (Council) recognises the rights of children and young people to feel safe when accessing Council services. Council is committed to creating and maintaining an environment that promotes the safety of all children and young people. This includes encouraging a culture where the prevention and reporting of abuse is supported and encouraged. All Council officials are responsible for promoting the safety, wellbeing and empowerment of children and young people.

The Child Safe Code of Conduct – Council Officials (the Code) sets expectations for how Council officials should behave around children and/or young people. Child abuse takes many forms and can include physical, sexual and psychological abuse, ill-treatment and neglect.

The Code identifies positive child safe behaviours that all Council officials are expected to adopt. It also identifies behaviours that are considered unacceptable. Engaging in unacceptable behaviour is a breach of the Code and may result in disciplinary action. Notifications may be required to be made to the appropriate authorities which could result in an external investigation.

## Scope

The Code applies to all Council officials as defined in the Definitions Table below, which includes staff, Councillors, work experience participants, volunteers, students on placement, consultants, and contractors.

This Code should be read in conjunction with the following documents which form part of Council's Child Protection Framework:

- [Interactions with Children and Young People Policy](#)
- Council's Child Protection Action Plan
- [Child Protection Risk of Significant Harm Reporting Flowchart](#); and
- [Allegations Against Council Representatives Involving Children and/or Young People Procedure](#)

## Definition of Terms

Term	Meaning
Belittle	To put person down, or to make someone feel as though they are not important.
Child	A person who is under the age of 16 years.
Child Protection Helpline	A state-wide call centre run by the Department of Communities and Justice. It is available 24/7 and is staffed by professionally qualified caseworkers to receive and screen all reports about suspected abuse or neglect of a child or young person or those at risk of harm from abuse or neglect. The Helpline can be contacted on 132 111.
Child-related Work	Work which involves direct contact or interaction with a child or children, and where that contact is a usual part of and a primary purpose of the work or position.
Council Official	Council officials include Councillors, members of staff of Council, contractors, administrators, community members of wholly advisory committees, members of the Audit Risk and Improvement Committee (ARIC), members of reference panels, Council committee members and delegates of Council. A Council official also includes others engaged by Council such as work experience participants, volunteers, students on placement and consultants.
Degrade	To treat or regard a person with contempt, disrespect or to make someone feel as though they have no value.
Discriminate	For the purpose of this policy, to discriminate against someone is to treat a person or group of people differently, especially in a worse way from the way in which other people are treated, based on their race, gender, national origin, sexuality, or age.
Grooming	Grooming is a process of manipulation used to prepare a child to be abused.
Mandatory Reporters	A Mandatory Reporter is defined as an individual required under section 27 of the <a href="#">Children and Young Persons (Care and Protection) Act 1998</a> to report to the Child Protection Helpline when that person has reasonable grounds to suspect that a child, young person, or a class of children or young people, is at risk of significant harm from abuse or neglect, and those grounds arise during the course of, or from the person's work. This includes people who deliver services, wholly or partly, to children and/or young people as part of their paid or professional work.
Mandatory Reporter Guide (MRG)	The <a href="#">Mandatory Reporter Guide</a> is a decision-making tool to assist Mandatory Reporters to help determine how the suspected risk of significant harm of a child or young person is reported.

Misconduct	Any alleged breach, if substantiated, of expected standards of behaviour such as discrimination, degradation, belittling, neglect, abuse of a child and/or young person.
Neglect	A term used to refer to a pattern characterised when a parent or caregiver cannot regularly provide a child or young person the basic requirements for their growth and development such as food, clothing, shelter, medical and dental care, adequate supervision and adequate parenting and care.
Reportable Conduct Scheme	The NSW Reportable Conduct Scheme monitors how organisations investigate and report on allegations of certain conduct towards children. The Reportable Conduct Scheme is governed by the Children’s Guardian Act 2019 and is administered by the Office of the Children’s Guardian.
Reportable Allegation	A reportable allegation in relation to a Council official means: <ul style="list-style-type: none"> <li>a) if the official holds, or is required to hold a WWCC clearance for the purpose of their paid or professional work with Council; <ul style="list-style-type: none"> <li>- an allegation that the official 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 with Council, or;</li> </ul> </li> <li>b) if the official is not required to hold a WWCC clearance for the purpose of their paid or professional work with Council; <ul style="list-style-type: none"> <li>- an allegation that the official has engaged in conduct that may be Reportable Conduct, unless the conduct is alleged to have occurred outside of the course of the official’s paid or professional work with Council.</li> </ul> </li> </ul>
Risk of Significant Harm (ROSH)	Concern/s about a child or young person that are sufficiently serious to warrant a response by a statutory authority irrespective of a family’s consent. It is something that is not minor or trivial and that may be reasonably expected to produce a substantial and demonstrably adverse impact on the child or young person’s safety, welfare or wellbeing. In addition, it can result from a single act or omission or an accumulation of these. Risk of significant harm is the NSW threshold to report child protection concerns to DCJ via the Child Protection Helpline.
Unnecessary Physical Contact	Contact with a child and/or young person that is initiated or continued without consent of the child and/or young person. The contact infringes on the personal space and movement the child and/or young person and is offensive, suggestive, and/or inappropriate.
Working with Children Check (WWCC)	The WWCC is a requirement for anyone who works or volunteers in child-related work (as previously defined) in NSW. The check provides either clearance to work with children for five years, or a bar against working with children.
Young Person	A young person can be defined in a variety of ways depending on the context. For the purpose of this policy a young person is a person who is over the age of 16 years but under the age of 18 years.

# 1. General Conduct Obligations

## 1.1 General conduct

All Council officials **must**:

- a) Act in accordance with Council's Interactions with Children and Young People Policy whilst at work;
- b) Treat children and young people with respect and value their ideas and opinions;
- c) Act as positive role models in their conduct with children and young people;
- d) Consider and respect the diverse backgrounds and needs of children and young people;
- e) Report any misconduct or inappropriate behaviour by other Council officials to their Director and/or Chief People Officer;
- f) Contact the police if a child or young person is at immediate risk of harm – phone 000; and
- g) Report any suspicions based on reasonable grounds that a child or young person is at risk of significant harm to Child Protection Helpline on 132 111.

## 1.2 Working with Children Check (WWCC)

All Council officials that hold (or are required to hold) a Working with Children Check (WWCC) **must**:

- a) Act in accordance with this Code of Conduct and Council's Interactions with Children and Young People Policy outside of work, and note that their behaviour, regardless of whether at work or not, may be subject to the Reportable Conduct Scheme; and
- b) Alert their Director and/or Chief People Officer should they become aware that another Council official poses a serious risk of abusing a child or young person. Failure to report, or reduce or remove the risk will result in the committal of an offence. Note 'failure to protect' where a Council official has power to do so, may incur a penalty of up to two years' imprisonment.

# 2. Concerning Behaviours

All Council officials must not engage in any of the concerning behaviours outlined below.

## 2.1 General

The below are examples of concerning behaviours of a general nature:

- a) Condoning or participating in behaviour with a child or young person that is illegal, unsafe or abusive;
- b) Ignoring or disregarding any concerns, suspicions or disclosures of abuse;

- c) Exaggerating or trivialising abuse issues;
- d) Using hurtful, discriminatory or offensive behaviour or language with a child or young person;
- e) Trivialising the subject of abuse, such as telling jokes that make light of children or young people being hurt; and
- f) Using unacceptable language or telling unacceptable stories or jokes in the presence of children or young people.

## **2.2 Physical abuse**

The below are examples of concerning behaviours in relation to physical abuse:

- a) Hitting, striking, punching, kicking or slapping a child or young person;
- b) Engaging in rough physical games with a child or young person;
- c) Throwing items or using items to hurt a child or young person;
- d) Dragging or pushing a child or young person;
- e) Threatening to hurt a child or young person through words or gestures, regardless of whether actually intending to apply force; and
- f) Using hostile force towards a child or young person and/or a pattern of hostile or unreasonable and seriously inappropriate physical conduct.

## **2.3 Neglect**

The below are examples of concerning behaviours in relation to neglect:

- a) Depriving a child or young person of necessities such as food and drink, clothing, critical medical care or treatment, or shelter;
- b) Failing to protect a child or young person from abuse (such as, failing to report abuse when disclosed or observed); and
- c) Failing to adequately supervise a child or young person, resulting in injury or harm.

## **2.4 Sexual abuse**

The below are examples of concerning behaviours in relation to sexual abuse:

- a) Sexual touching of a child or young person;
- b) Possessing, sharing or creating child abuse material;
- c) Exposing a child or young person to pornography or other indecent material;
- d) Giving a child or young person gifts, food, money, attention or affection in exchange for sexual activities or images;
- e) Not respecting the privacy of a child or young person when they are using the bathroom or changing;
- f) Communicating (including online) with a child or young person about romantic, intimate or sexual feelings;



- g) Using a camera to record a child or young person while they are dressing, bathing or using the bathroom;
- h) Comments that express a desire to act in a sexual manner with a child or young person;
- i) Using sexual language or gestures in the presence of a child or young person; and
- j) Sexual comments, conversations or communications with a child or young person.

## **2.5 Ill-treatment**

The below are examples of concerning behaviours in relation to ill-treatment:

- a) Making excessive and/or degrading demands of a child or young person;
- b) Disciplining or correcting a child or young person in an unreasonable and seriously inappropriate or improper manner;
- c) Seriously inappropriate and/or degrading comments or behaviour towards a child or young person;
- d) Repeated hostility towards a child or young person; and
- e) Seclusion and other types of restrictive practices.

## **2.6 Grooming**

The below are examples of concerning behaviours in relation to grooming:

- a) Engaging in unauthorised contact with a child or young person online for the purpose of developing a sexual relationship;
- b) Using a computer, mobile phone, camera or other device to exploit or harass a child or young person;
- c) Unacceptable personal communication that explores sexual feelings or intimate personal feelings with a child or young person;
- d) Sharing details with a child or young person of one's own sexual experiences;
- e) Inappropriately extending a relationship with a child or young person outside of work;
- f) Giving a child or young person special attention or isolating them from peers with the intention of making it easier to access the child or young person for sexual activity;
- g) Offering a child or young person gifts, food, cigarettes, money, attention or affection with the intention of making it easier to access the child or young person for sexual activity; and
- h) Making close physical contact with a child or young person, like inappropriate tickling and 'play' wrestling.

## 2.7 Failing to prevent and/or report abuse

The below are examples of concerning behaviours in relation to failure to prevent and/or report abuse:

- a) An obvious or very clear unreasonable failure to respond to information strongly indicating that another Council official poses a serious risk of abusing a child or young person; and
- b) Knowing or believing, that a child or young person has been abused and not reporting it to police (or not reporting in circumstances where the person ought reasonably to have known).

## Responsibilities

Position	Responsibility
All Council officials	<ul style="list-style-type: none"><li>Be aware of and comply with their responsibilities under the Child Safe Code of Conduct – Council Officials.</li></ul>
Manager Community and Early Learning Services	<ul style="list-style-type: none"><li>Ensure the Child Safe Code of Conduct – Council Officials is included on Council's policy register and record management system.</li><li>Provide a point of contact about the meaning and application of the Child Safe Code of Conduct – Council Officials.</li></ul>
Director Community and Culture	<ul style="list-style-type: none"><li>Ensure Council has a Child Safe Code of Conduct – Council Officials document, and adequate policies and procedures in place that provide compliance with relevant regulations and legislation.</li></ul>
General Manager	<ul style="list-style-type: none"><li>Ensure adequate systems and processes, policies and procedures are in place to prevent, detect and respond to abuse of children and young people.</li><li>Investigate breaches and enforce compliance.</li></ul>

## Version Control and Change History

Version	Amendment Details	Policy Owner	Period Active
1.0	New Child Safe Code of Conduct	Manager Community and Early Learning Services	28/09/2023-09/2026