



WEDDIN SHIRE COUNCIL

POLICY NUMBER: 14.26.2

POLICY FOR CHILD PROTECTION

Adopted: 17 August 2017

POLICY FOR CHILD PROTECTION (NO. 14.26.2)

1. **Title:** Policy for Child Protection

2. **Number:** Policy Number 14.26.2

3. **Introduction**

In accordance with the Ombudsman Act 1974 and the Children and Young Persons (Care and Protection) Act, 1998, Weddin Shire Council has established a policy and investigation procedure to review new employees and investigate complaints where employees are dealing with or have contact with children and young people.

4. **Objectives**

The purpose of this policy is:

- To ensure that children and young people are protected from child abuse as defined under the Children and Young Persons (Care and Protection) Act, 1998
- To ensure that a system exists for the reporting of all child abuse allegations under the Ombudsman Amendment (Child Protection and Community Services) Act, 1998, and to encourage and facilitate the reporting of children and young persons at risk of harm.
- To ensure the prompt notification to the Ombudsman's Department, and the efficient and equitable investigation of allegations of child abuse.
- To prevent the employment of persons in child-related employment who are prohibited persons under the Child Protection (Prohibited Employment) Act, 1998, or whom Council considers are inappropriate persons to be working with children, as detailed within this Act.
- To build a workforce committed to child protection through a range of policies and work practices designed to ensure that services are provided to children in a safe and caring environment and to inform all staff and Councillors as to the commitment of Council to this Policy and its procedures.

5. **Associated legislation and other references (as amended):**

Ombudsman Act 1974

Children and Young Persons (Care and Protection) Act 1998

6. **Definitions and Interpretations**

“allegation” -

is that for an allegation to be notified to the Ombudsman, the following components are necessary:

- a) The person who is the subject of the allegation must be a current employee of the council or have been an employee at the time the allegation was made and must be identifiable. This does not necessarily mean identified by name, as a person may be identifiable by other information including their description and work schedules of the agency.
- b) The allegation must refer to a description of behaviour that may constitute child abuse.
- c) The alleged victim was under 18 years at the time of the alleged offence or behaviour.

“child” -

someone under the age of sixteen (16) years. For the purposes of this policy, reference to a “child” includes reference to a “young person”.

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“child abuse” -

Refers to the non-accidental physical injury, neglect or ill-treatment, psychological abuse and sexual exploitation and abuse of children.

“child at risk of harm” -

if there are current concerns for the safety, welfare or well-being of the child because of the presence of any one or more of the following circumstances:

- the child's basic physical or psychological needs are not being met or are at risk of not being met
- the parents or other caregivers have not arranged, or are unable or unwilling to arrange, for the child to receive necessary medical care
- the child has been, or is at risk of being physically or sexually abused or ill-treated
- the child is living in a household where there have been incidents of domestic violence and, as a consequence, the child is at risk of serious physical or psychological harm
- a parent or other caregiver has behaved in such a way towards the child that the child has suffered or is at risk of suffering serious psychological harm

“child related employment” -

primarily involving direct contact with children where that contact is not directly supervised.

“employee” -

1. Anyone employed by the council who receives a group certificate for taxation purposes, whether or not their position requires them to work with children;
2. Anyone engaged by the council to provide services to children, including:
 - contractors
 - sub-contractors
 - foster carers
 - volunteers
 - work experience participants; and
 - student placements eg TAFE or tertiary students.

“prohibited person” -

Someone who has been convicted of a serious sex offence as defined under the Child Protection (Prohibited Employment) Act 1998.

“young person” -

someone under the age of eighteen (18) years.

“vexatious complaints” -

Allegations of child abuse against staff members (by colleagues or members of the public) that are unfounded and motivated by malicious intent.

7. Responsibilities

- 7.1 It is the responsibility of all employees to notify their supervisor immediately if they witness a child abuse incident, or if someone discloses a situation of child abuse to them.

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- 7.2 It is the responsibility of the Director, Managers and Supervisors to report any allegations of child abuse to the General Manager, and to carry out any investigation as directed.
- 7.3 It is the responsibility of the General Manager to report allegations or convictions of child abuse to the Ombudsman's Office, and to send a final report to the Ombudsman once an investigation is complete.
- 7.4 It is the responsibility of the General Manager to notify the Commission for Children and Young People of any employee against whom relevant investigation proceedings have been completed, where the investigation has resulted in disciplinary action being taken against that employee. Council shall notify the Commission of any action resulting from the Working with Children Check undertaken of any employee.
- 7.5 It is the responsibility of the General Manager to provide advice and support to both line management and employees.
- 7.6 Other parties that may be involved in the process include the Union, or Employee Assistance organisations, and their role is to advise and support employees.
- 7.7 It is the responsibility of the appropriate Director, or in the case of employing a Director, the General Manager, to take steps to ensure that a person to be employed in any capacity associated with the care of children is not a "Prohibited Person" as defined in the Child Protection (Prohibited Employment) Act 1998.
- 7.8 It is important that the rights of all parties and the need for confidentiality, be observed at all levels of the council.

8. Procedures for investigating allegations of child abuse

- 8.1 An allegation of child abuse may be written, verbal or anonymous.
- 8.2 The allegation is to be reported to the supervisor immediately.
- 8.3 The supervisor is to inform the General Manager as soon as possible, through the appropriate Director if necessary.
- 8.4 The General Manager is to report the allegation to the Ombudsman's Office (within 30 days of becoming aware of the allegation).
- 8.5 The General Manager is to decide whether the matter will be:
 - ◆ reported to the Police
 - ◆ reported to DoCS
 - ◆ handled by an internal investigation only
- 8.6 Regardless of whether or not the matter is reported to an external organisation, Council is to conduct its own investigation.
- 8.7 The employee is to be advised of the allegation.

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- 8.8 The employee is to be advised of what the reporting and investigation process entails, and of their rights.
- 8.9 The employee is to be stood down with or without pay, or transferred to a job that is not child-related, until the investigation has been completed. Factors to be taken into consideration will 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. Other factors include previous disciplinary action, safety of the employee and risks to the investigation.
- 8.10 The General Manager is to set up an investigation team (a minimum of 2 people)
- 8.11 The investigation team is to conduct the investigation and call any witnesses both inside and outside of Council. If it proves difficult getting outside witnesses to assist the investigation, the matter should be discussed with the Ombudsman's Office.
- 8.12 A written report of the investigation's findings is to be forwarded to the General Manager.
- 8.13 The employee is to be given the opportunity to comment on the findings, including adding a dissenting statement to the report, before a final decision is made.
- 8.14 The General Manager is then to decide the appropriate action, which may include disciplinary action, or reporting to other authorities, e.g. the Police.
- 8.15 Once the investigation is finalised, the General Manager is to send a written final report to the Ombudsman detailing the final decision, the reasons for the decision and any action they have taken or may take, with respect to the subject of the allegation or conviction.
- 8.16 If the employee wishes to appeal the decision, the following avenues exist:
- through the normal industrial relation process
 - through the Community Services Commission, if they feel DoCS did not conduct a proper investigation
 - through the Ombudsman's office

9. Vexatious Complaints

Complaints made by staff which are found to be vexatious will not be tolerated. Very serious consideration will be given to applying the disciplinary provisions of the Award to any staff found to have made a vexatious complaint or allegation.

10. Records

Council shall retain all records of an investigation, regardless of whether or not the allegation was proved. This responsibility applies regardless of any requirement for disposal of records which may exist elsewhere.

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12. Review and Amendment

This policy shall be reviewed by September 2017 and thereafter at four (4) yearly intervals, to ensure it meets all statutory requirements and the needs of Council.

This policy may be amended by council following referral to and advice from the Award Restructuring Consultative Committee

This policy may be amended or cancelled by Council at any time without prior notice or obligation.

13. Adoption

This policy commences as from the date of adoption by Council, being 17 August 2017 and replaces any previous policy.

14. History

Version	Details
Original	Adopted 21 November 2002
14.26.1	Adopted 18 July 2013
14.26.2	Adopted 17 August 2017