

Purpose

1.1. Whitsunday Regional Council is responsible for the delivery of numerous child and youth related programs, activities and events. Council recognises that the inherent risks associated with working with children and young people as part of its business, and that the vulnerability of this group necessitates the development of formal procedures and guidelines in order to fulfil its duty of care. Council also strongly supports the principles contained in the National Framework for Protecting Australia's Children and the Whitsunday Regional Council Child Protection Risk Management Policy strives to adopt a best practice approach to delivering services that maximise the safety of children and young people.

Scope

2.1. This Policy forms a key part of Council's Child Protection Risk Management Strategy and applies to the development and delivery of services to children and young people, as well as other Council activities or business that involve contact with children and young people. It specifically has application to the recruitment, selection, training, management and supervision of employees and volunteers of children and youth programs, libraries and recreation facilities, the planning and delivery of children and youth programs, and the running of activities and special events.

2.2. This policy applies to all people involved directly or indirectly in the delivery of services to children and young people. These include:

- a) Employees
- b) Volunteers
- c) Councillors
- d) Children and young people
- e) Contractors

Policy Statement

PROVISIONS OF THE POLICY

3.1 Code of Conduct and Work, Health and Safety Management

In addition to Council's Code of Conduct for all employees, the Code of Conduct for Councillors and Council's Safety Management System, the following standards outline what Council considers appropriate conduct in relation to interactions with children and young people.

- a) Not physically or verbally abuse children, or young people, or expose them to physically or verbally abusive behaviour.
- b) Not consume alcohol or illicit drugs while on duty in the vicinity of children or young people.
- c) Not accept gifts from or purchase any items from children, or young people, or provide gifts to young people unless as part of a structured recognition or reward program.
- d) Not have sexual relationships with children or young people or take them to their home.
- e) Treat young people with courtesy, respect and consideration.
- f) Act on complaints to the best of their ability.

- g) Respond professionally to suspicions or disclosures of harm and report them to the relevant authorities.
- h) Wear neat attire that is not offensive to children, or young people, and is appropriate to their role or scheduled activity.
- i) Act as a positive role model

3.2 Compliance with the Requirements of the Blue Card System

In a commitment to ensuring compliance with child protection legislation, the Whitsunday Regional Council will develop and document procedures and forms and keep records that demonstrate that the organisation has fulfilled its duty of care to an appropriate standard.

These procedures, forms and registers will be reviewed regularly to ensure they are adequately addressing risks, and that emerging risks are identified and incorporated into risk management procedures and practices. Forms will be available on Council's Intranet.

The forms and registers to be maintained by each relevant section in accordance with this policy include:

- a) Blue Card Register
- b) Child Protection Incident Report Form
- c) Child Protection Incident Report Register
- d) Agreement to comply with Child Protection Risk Management Strategy
- e) Media and Communications Explanatory Information and Consent Form
- f) Risk Management Plans (for general operations, high risk activities and special events)

3.3 Recruiting, Training and Managing Employees

Guidelines for the recruitment, selection, training and management of all employees and volunteers involved in the delivery of services or activities to children and young people, including specific screening requirements, are an essential component of Council's Child Protection Risk Management Strategy. Council acknowledges that organisations can be held liable for selecting and retaining an employee or volunteer who is unsuitable or incompetent for the position.

Recruitment, Selection, Screening

The recruitment, selection and screening process for all positions (paid or voluntary) involved in the delivery of services or activities to children and young people must involve the following:

- a) Assessment of the requirements of the position (skills, experience/qualifications, knowledge) and the key responsibilities of the position.
- b) For paid positions, and where appropriate for voluntary positions, the development of a position description detailing this information as well as position objectives, organisational relationships, accountability, and performance standards.
- c) Conducting of interviews for paid positions and, where appropriate, voluntary positions, and the asking of reasonable but probing questions about the applicant's work history, background and attitudes.
- d) Conducting of referee checks, where the applicant is not an existing employee or volunteer of Council, to assess the applicant's suitability and competence for the position, and verify the information provided by the applicant in their application and interview.

- e) Development of a selection report for paid positions, detailing the preferred applicant's suitability and competence in relation to the requirements of the position and key responsibilities of the position, and the outcome of the referee checks.
- f) Sighting and copying an employee or volunteer's Blue Card and, where possible, Positive Notice Letter and filling in a Council Blue Card Register. In the absence of a Blue Card, an application will be made to obtain one and volunteers will not be permitted to commence work until a Positive Notice is received. Employees will not be permitted to commence work until their Blue Card application has been approved.
- g) Completion of an Authorisation to confirm a valid blue card form by a new employee or volunteer starting work with Council who has applied for a Blue Card or holds a current Blue Card.

Training

Before paid employees, contractors and volunteers commence work that requires them to work with or come into contact with children and young people, an induction is required to provide information with regards to the role/activity and inform those involved of the policies and procedures relating to child protection risk management.

The Council Officer with delegated authority to conduct the induction should ensure the orientation:

- a) Clearly identifies duties/responsibilities of the role/activity and what is expected of those involved.
- b) Highlights anything that may be of concern to parents, carers, children or young people.
- c) Answers any questions those involved may have.
- d) Provides copies and explanation of relevant policies, procedures, information sheets, and codes of conduct relating to child protection risk management.
- e) Informs those involved who they can talk to if they have any issues or concerns or require further information.

Additional training may be provided in-house or sourced externally, to further build the capability of those involved to fulfil the requirements of Council's Child Protection Risk Management Policy and related procedures.

Management

The following guidelines apply to the management of employees, Councillors, contractors and volunteers required to have contact with children and young people during the course of their work for Whitsunday Regional Council. The guidelines advise that:

- a) Performance Appraisals of employees and long-term volunteers will be conducted regularly in accordance with Council's Performance Appraisal Policy to ensure the suitability and competence of relevant employees.
- b) Employees and volunteers should be adequately supervised where appropriate.
- c) Children and young people should be consulted to assess their experience of services provided.
- d) Children and young people should be informed of their rights as clients of programs, activities and events provided by Council and informed of the procedure for lodging complaints.

- e) Employees or volunteers holding a Positive Notice Blue Card must lodge a renewal application at least 30 days before the expiry of their card in order to continue working after the card expires, unless their card has been suspended or cancelled.
- f) Council should proactively encourage employees to lodge the relevant form with Blue Card Services if there has been a change in contact details, change of name, or lost or stolen card.

4.4 Handling Suspicions or Disclosures of Harm

To provide for the safety and wellbeing of young people, the Whitsunday Regional Council requires that suspicions or disclosures of harm must be acted on irrespective of the source of the harm. A procedure for handling suspicions or disclosures of harm has been developed by Council in conjunction with this policy.

The 'Handling of a Suspicion or Disclosure of Harm' Procedure provides guidance on how to respond to suspicions or disclosures of harm and places onus on the person receiving the information to respond professionally and in the best interests of the child or young person subjected to the alleged harm. Training will be provided where appropriate to build the capability of those most likely to be receiving suspicions or disclosures of harm to use this procedure effectively.

4.5 Risk Management Plans for Special Events and High Risk Activities

To fulfil the requirements of its Child Protection Risk Management Policy either when holding an event or activity for children, and young people, or facilitating the participation of children and young people in an event or activity held by another organisation or individual, Council will conduct a risk assessment and develop a comprehensive risk management plan. These events/activities may include, but are not limited to, school holiday activities, Youth Week activities, conferences/forums, and child and youth related diversionary activities.

The following guidelines provide direction to the assessment and management of risks relating to a program, activity or event for children and young people:

- a) Sourcing of information to determine whether the event/activity/program will contribute positively to the wellbeing and development of children and young people.
- b) Provision of information to parents, guardians and carers to enable them to make an informed decision regarding their child's attendance at events/activities.
- c) Where appropriate, the issuing of permission forms, medical information forms, privacy statements, and media and communications consent forms relating to a child or youth's participation in an event/activity.
- d) Provision of adequate supervision involving people screened through the procedures outlined above.
- e) Promotion and enforcement through appropriate strategies, of all underage events/activities as drug and alcohol free.
- f) Determination of whether an event has a 'no pass outs' policy or an 'open door' policy and the promotion of this on publicity materials.

Privacy

In a commitment to children and young people's safety and privacy, Council will adopt and disseminate a privacy statement where applicable.

Imagery for Promotions and Advertising

When promoting activities, events or services, the Whitsunday Regional Council will only use images, likenesses or recordings of children and young people if the following conditions have been met:

- a) A Media Consent Form has been signed by a parent or carer of the child or young person.
- b) Young people have been asked how they feel about the use of the image, likeness or recording, given their permission, and been given input into how it will be used.
- c) The image, likeness or recording does not portray the child or young person in a demeaning way, exploit them in any way, or identify them where they should not be identified.

4.6 Communication and Support

All managers, and employees directly or indirectly involved in providing services to children and young people, are to ensure compliance with the Child Protection Risk Management Policy and related procedures. All Council employees will be informed of this policy and provided with a copy, in recognition of the role everyone plays in protecting children and young people within the community.

Primary responsibility for monitoring compliance with the Child Protection Risk Management Policy will rest with managers, at all levels, of the departments that implement activities for children and young people or provide services to children and young people. Reinforcement of expectations should take place during pre-event briefings or planning for activities.

4.7 Breaches of the Council Child Protection Risk Management Policy

The Whitsunday Regional Council will treat seriously and respond appropriately to all breaches of its Child Protection Risk Management Policy.

Suspected breaches will be dealt with in accordance with Council's Complaints Policy and Complaints Procedure.

All substantiated breaches of the following type will be dealt with in line with Council's Performance Management Policy:

- a) Breach of the Code of Conduct.
- b) Failure to comply with the Child Protection Risk Management Policy.
- c) Failure to comply with legislation governing regulated employment.
- d) Failure to adequately assess risks, plan and implement controls to provide for the safety and wellbeing of young people.
- e) Failure to respond to suspicions or disclosures of harm in accordance with Council's procedure for handling suspicions or disclosures of harm.

All suspicions or disclosures of harm, irrespective of whether the source of harm is within or outside the organisation, are to be dealt with in accordance with Council's procedure for handling suspicions

or disclosures of harm. As outlined in this procedure, and in line with the guidelines provided by the Blue Card Services, under no circumstances will Council, or the employee, Councillor, contractor, or volunteer to whom the disclosure is made:

- a) Conduct their own investigation.
- b) Hold an internal hearing, or
- c) Attempt to mediate a settlement of the matter instead of notifying relevant authorities.

As outlined in Council's procedure for handling suspicions or disclosures of harm, suspicions or disclosures of harm will be dealt with by notifying the relevant authorities.

All notifications will be made by 'authorised Council Officers only' and in accordance with strict protocols. It is important that consultations occur immediately with trained professionals within Council to identify and agree on the correct procedure to be taken. Staff should follow supervisory reporting protocols.

Applicable Legislation

- 2.1. *Working with Children (Risk Management & Screening) Act 2000*
- 2.2. *Working with Children (Risk Management and Screening) Regulation 2011*
- 2.3. *Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2019*
- 2.4. *Child Protection Act (1999)*
- 2.5. *Human Rights Act 2019*
- 2.6. *Work, Health and Safety Act 2011*

Definitions

CEO refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the *Local Government Act 2009*.

Council refers to the Whitsunday Regional Council.

Employee refers to any employee, contractor, volunteer etc. of the Council.

Child abuse: Blue Card Services states that child abuse is 'Anything which individuals, institutions or processes do (or fail to do) which directly or indirectly harms children in the 'here and now' and/or damages their prospects of safe and healthy development into adulthood'.

Harm: Harm to children and young people is defined in the *Child Protection Act 1999 (section 9)* as 'any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing'. The *Child Protection Act 1999* also states:

- It is immaterial how the harm is caused.
- Harm can be caused by –
 - a) physical, psychological or emotional abuse or neglect, or
 - b) sexual abuse or exploitation.

Personal information: In relation to privacy, personal information is defined by the Department of Communities 'as information or opinion that could be used to identify an individual'.

Risk: Blue Card Services defines risk as ‘anything that can cause harm or loss to a child or young person in an organisation’.

Risk management: Blue Card Services states that risk management ‘involves identifying and assessing all potential sources of harm and taking steps to decrease the likelihood that harm will occur’.

Services: For the purposes of this Policy, ‘services’ refers to any program, activity, event or initiative conducted by Whitsunday Regional Council.

Related Documents

Administrative Action Complaints Management Policy

Equity and Access Policy

Recruitment and Selection Policy

Work, Health and Safety Policy Statement

Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.

COUNCIL POLICY			
Date Adopted by Council	15 July 2021	Council Resolution	2021/07/15.16
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Responsible Officer(s)	Manager Community Development & Libraries	Revokes	LSP_C&ENV_04
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