

Child Safe Workplace Policy

Purpose of this policy

The Department of Planning and Environment (department) wants children and young people who engage in its programs to have a safe and happy experience. This policy promotes the safety, welfare and well-being of children and puts measures in place to protect them from abuse.

The purpose of this policy is to:

- Assist employees and others in our workplaces to understand that their interactions with children must comply with the requirements of:
 - [Child Protection \(Working with Children\) Act 2012](#)
 - [Children and Young Person's \(Care and Protection\) Act 1998](#)
 - [Children's Guardian Act 2019](#)
 - The department's [Code of Ethics and Conduct](#).
- Enable the [10 child safe standards](#) recommended by the Royal Commission Into Institutional Response to Child Sexual Abuse (2017) to be embedded in our practices, behaviours and workplace culture.

To whom this policy applies

- All department employees - permanent, temporary, casual and senior executives.
- Other Government Sector employees who are on secondment or assigned to the department.
- People engaged by the department as volunteers or for work experience.
- People engaged under contract to provide services for the department (contractors and consultants), when working in or visiting the department's workplaces.

Policy statement

We will:

- maintain a rigorous and consistent recruitment, screening and selection process; ensuring that employees who work in child-related roles have been screened and found suitable for child-related work
- report conduct or any other issue that is inconsistent with maintaining a child safe environment
- have processes in place to ensure that allegations and/or risks can be reported easily, confidentially and without fear of retribution
- educate our workforce about child safety in the workplace and provide support, especially to people engaged in child-related work. This includes training on the nature and indicators of child maltreatment (particularly organisational child abuse), provision of information resources and direct support from their manager or supervisor

- provide a range of ways to allow children and their parents or other carers to provide feedback or raise concerns. We will listen to their views, respect what they say and involve them when we make decisions, especially about matters that will directly affect them.
- ensure that our child-related programs, standards and practices are inclusive and meet the needs of special diversity groups, including those who identify as Aboriginal and Torres Strait Islanders, have a disability, or are from culturally and linguistically diverse backgrounds
- maintain physical and online environments that minimise the opportunity for child abuse to occur.

People who are in child-related work must obtain a Working With Children Check (WWCC), at their own expense. A valid WWCC number must be supplied to the department before any employment contract or volunteering arrangement can commence. If a valid WWCC number is not supplied by an individual, they must not commence work or volunteering, or continue to work if they are currently employed in any child-related role or activity.

This policy will be communicated to every person that it applies to and will be made accessible to everyone, including the public.

Any procedure or other attachment referenced forms part of the procedures under this policy and must be complied with to ensure correct and consistent application of the policy.

Responsibilities

Everyone in the workplace has a responsibility for maintaining an environment that is safe for children. The following table provides a high-level summary of key responsibilities:

Table 1: Responsibilities

| Roles | Responsibilities |
|--|---|
| Secretary | <ul style="list-style-type: none"> • Provides leadership and accountability for an effective child safe workplace environment and culture. • Is a champion for this policy and demonstrates the standards for acceptable behaviours and practice. |
| Direct Reports to the Secretary | <ul style="list-style-type: none"> • Partners with the Secretary to own, promote and execute this policy. • Ensures Group business plans and performance monitoring support the achievement of policy outcomes. • Provides adequate resourcing for the implementation of the Policy. |
| Reportable Conduct Officer Director Ethics and Investigations | <ul style="list-style-type: none"> • Advises the Office of the Children’s Guardian within 7 business days of becoming aware of a reportable allegations, reportable conduct and reportable convictions (on behalf of the Secretary). • Facilitates investigations and liaise with other authorities to manage cases of reportable conduct and/or alleged abuse and/or criminal offences. • Acts as a point of contact for employees to raise concerns and report risks or alleged breaches of this policy. |

| Roles | Responsibilities |
|--|--|
| Deputy Secretary, People, Culture and Communications (PCC) | <ul style="list-style-type: none"> • Executive sponsor for child safety in the department. • Ensures that this policy is current, compliant and effectively implemented across the department. |
| Any volunteer program manager or supervisor (child-related programs) | <ul style="list-style-type: none"> • Ensures that all volunteers engaged in their program have received an electronic or paper copy of this policy and understand their obligations. • Ensures that volunteers have appropriate WWCC clearance before they commence work in the volunteer program. • Monitors volunteers and the operational environment to maintain a child safe work environment. • Acts as a point of contact for volunteers, children, their parents or other carers to raise concerns or provide feedback. • Reports any alleged reportable conduct to the Reportable Conduct Officer. |
| People leaders | <ul style="list-style-type: none"> • Ensures that child-related roles are identified within their business unit and that a WWCC is included as a mandatory requirement in relevant role descriptions and job advertisements. • Ensures that employees in child-related roles have appropriate WWCC clearance before they commence duty and that their checks are renewed on time to enable continued compliance with WWCC requirements. No check = no work. • Provides support, guidance and training (including induction) to employees in child-related roles. • Makes sure employees have access to this policy, understand it and uphold their obligations. • Reports any alleged reportable conduct to the Reportable Conduct Officer. |
| PCC role design | Ensures WWCC requirements are documented as an essential requirement in role descriptions, on the advice of the people leader responsible for the role. |
| Talent acquisition | <ul style="list-style-type: none"> • Ensures all job advertisements/campaigns for child-related roles include a statement saying that WWCC clearance is required before any employment contract can commence. • Ensures required WWCC numbers are verified online prior to issuing employment letters or initiating onboarding processes |
| Workforce administration | Ensures the Human Resources Information System (SAP HR) contains current data on child-related roles, and that child-related roles are flagged to enable accurate reporting. |
| PCC reporting & analytics | Extracts WWCC data from the relevant HR System/s on a monthly basis and identifies checks requiring follow up. |

| Roles | Responsibilities |
|--|---|
| PCC hub | <ul style="list-style-type: none"> • Issues written notification to people managers of employees in roles who require renewal or other action taken relating to WWCCs. • Verifies renewed WWCCs for existing employees via the OCG website |
| People Partners – People, Culture and Communications (PCC) | <ul style="list-style-type: none"> • Assists people leaders and employees with the application of this policy in the workplace. • Assists with the management of non-compliance cases and escalates these to relevant internal teams – Reportable Conduct Officer and Industrial Relations. |
| All employees | <ul style="list-style-type: none"> • Apply this policy in accordance with their role and responsibilities. • Raise and/or escalate risk concerns and/or behaviours that are contrary to this policy as soon as practicable. |

Failure to comply with this policy

Behaviour that is contrary to this policy will be dealt with in a manner that is proportionate to the seriousness of the matter.

For employees, more serious breaches may be dealt with such as misconduct which may result in disciplinary action ranging from a caution up to, and including, termination of employment. The [Government Sector Employment Act 2013](#) and [Government Sector Employment Rules 2014](#) (and, in particular, Part 8) establishes the procedures for dealing with allegations of misconduct for Government Sector employees.

The [Government Sector Employment Regulation 2014](#) requires an employee who is charged with, or is convicted of, a serious offence to immediately report that fact in writing to the agency head. Failure to do this may also result in disciplinary action.

Volunteers, people engaged in work experience or people who provide services under contract to the department who do not comply with this policy may have their services or contract terminated immediately.

The department has a legal obligation to report certain matters to the Office of The Children’s Guardian (under the [NSW Reportable Conduct Scheme](#)) and law enforcement agencies.

Breaches of this policy may also be subject to actions taken by law enforcement agencies, such as the NSW Police Force.

Review timeframe

This policy and any related supporting documents will be reviewed every 2 years or when any significant information, legislative or organisational change warrants amendment to this document.

Related documents

Other policy documents that should be ready in conjunction with this policy:

- [Code of Ethics and Conduct](#)

- [Working With Children Check Procedural Framework](#)
- [Reportable Conduct Procedure](#)

Legislation that should be read in conjunctions with this policy

- [Child Protection \(Working with Children\) Act 2012](#)
- [Children and Young Person's \(Care and Protection\) Act 1998](#)
- [Children's Guardian Act 2019](#)

Policy metadata

Table 2. Policy metadata

| Category | Description |
|-------------------------------------|---|
| Status | Final |
| Date of approval | 4 June 2020 |
| Approver | Deputy Secretary, People, Culture and Communications |
| Group | People, Culture and Communications |
| Division | Strategic Workforce Effectiveness |
| Policy owner | Executive Director, Capability & Inclusion |
| Branch | Organisational Talent and Effectiveness |
| Document location | DPE Intranet and Internet |
| Next review date | February 2023 |
| Associated procedure | Working with Children Check Procedural Framework Reportable Conduct Procedure |
| Any additional applicability | N/A |
| Superseded document | OEH Child Safe and Friendly Environment Policy SOPA Child Protection Policy Children In the FACS Workplace Policy The Children of FACS Employees In the FACS Workplace Policy Working With Children Check Policy (FACS) |
| Further information | Contact your People Partner |
| Document Reference | DOC21/223763 |

Version control

Table 3. Version Control

| Version | Date issued | Change |
|------------|-------------|---|
| 1 | April 2021 | New policy – Approval – DOC21/228065 |
| 1.1 | 3 May 2022 | Updated to reflect new branding and name change |

Appendices

Appendix 1 – Definitions

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Table 4 - Definitions

| Term | Definition |
|-----------------------|---|
| Child safe standards | Refers to the <u>10 child safe standards</u> that The Royal Commission recommended organisations implement to build and maintain a child safe culture. |
| Child-related work | <ul style="list-style-type: none"> • providing services for under 18s • where the work normally involves being face to face with children or involves online interaction with children • where contact with children is more than incidental to the work |
| Employee | all permanent, temporary, casual staff and senior executives, including other Government Sector employees who are on secondment or assigned to the department. |
| Head of Agency | <p>Consistent with the GSE Act 2013, a Head of Agency is defined for the purpose of this policy framework as:</p> <ul style="list-style-type: none"> • In the case of the department – the Secretary of the department • In any other case – the Head of Agency listed in Part 2 or Part 3 of Schedule 1 of the GSE Act 2013, such as Chief Executive, Commissioner or Chairperson. <p>In practice, this represents the key person responsible for directing the affairs of the agency.</p> |
| Misconduct | <p>Is as per the definition in section 69 of the Government Sector Employment Act 2013, and extends to the following—</p> <ul style="list-style-type: none"> • a contravention of the GSE Act or an instrument made under that Act, • a conviction or finding of guilt for a serious offence. <p>Serious offence means an offence punishable by imprisonment for life or for 12 months or more (including an offence committed outside New South Wales that would be an offence so punishable if committed in New South Wales).</p> <p>Misconduct may relate to an incident or conduct that happened while an employee was not on duty or before his or her employment.</p> |
| Reportable allegation | an allegation that an employee has engaged in conduct that may be reportable conduct |

| Term | Definition |
|------------------------------------|--|
| Reportable conduct | <ul style="list-style-type: none"> • a sexual offence committed against, with or in the presence of a child • sexual misconduct with, towards or in the presence of a child • ill-treatment of a child • neglect of a child • an assault against a child • behaviour that causes significant emotional or psychological harm to a child and • any offence under s43B or 316A of the Crimes Act 1900, whether or not, with the consent of the child. |
| Reportable conviction | A conviction (including a finding of guilt without the court proceeding to a conviction) in NSW or elsewhere, of an offence involving reportable conduct. |
| We | Means the employees and other workers who make up the Department of Planning and Environment. Individually and collectively, we have a responsibility to maintain a child safe work environment. |
| Working With Children Check (WWCC) | A screening process for assessing or re-assessing people who work with or care for children in NSW. The Check involves a national criminal history check and a review of findings of workplace misconduct. |