

SECTION 3 Asset Management  
 PART 3 Use of Council Facilities

	<b>POLICY NO:</b>	3.3.6(v2)
	<b>POLICY TITLE:</b>	Children Unaccompanied in the Library
	<b>DATE ADOPTED:</b>	21/01/2013
	<b>RESOLUTION NO:</b>	35/2013
	<b>SUPERCEDES:</b>	Policy 3.3.6 Children Unaccompanied in the Library Adopted: 23/07/2007 Resolution No: 379/2007
	<b>PROPOSED REVIEW DATE:</b>	21/01/2015

**POLICY**

This policy provides guidelines for library users and staff relating to children in the Bourke Public Library. For the purposes of this policy, a child is any person fourteen (14) years or under.

The objective of this policy is to avoid disruption to the library service and to ensure the safety of all library users and staff.

**Welcome Statement**

Young people are core clients of the Bourke Public Library. The library is committed to serving the information and recreation needs of young people. The library strives to provide a welcoming environment, and provides targeted resources to meet the needs of young people.

**Service Statement**

The library offers a wide range of services for young people, including:

- fiction and non-fiction collections
- magazines
- DVDs/Blu-rays
- internet/PC access
- information services
- homework help
- public space for activity and study
- toys and games

VERIFIED BY:

Policies and Processes of Bourke Shire Council

VERIFIED BY:

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## Parental Responsibility Statements

The library offers a range of services that support the information, literacy, educational and recreational needs of young people. However, the library does not provide child care. Unsupervised children can be at risk in any public place, including a public library. Libraries are busy public places, and staff cannot judge which members of the public present a possible danger to children. In addition, libraries do not have the facilities to attend to children who are sick, injured or hungry. The Bourke Public Library assumes no responsibility for the welfare of any child left in the library unattended.

Young children left alone in a library can become distressed, bored or disruptive. Library users, including young people, who disturb other library users may be removed from the library under the *Library Regulation 2000*, s17<sup>1</sup>.

A child left alone in a public library may be classed as a child or young person at risk of harm under the *Children and Young Persons (Care and Protection) Act 1998*, s23<sup>2</sup>, and subsequently may be reported as such to the Department of Community Services under s24 or s27 of the Act.

Parents who leave a child unattended in a public library are exposing their child to potential harm, and may themselves be committing an offence under the *Children and Young Persons (Care and Protection) Act 1998*, s228<sup>3</sup>.

If an unaccompanied child is causing concern in the library, either to the staff or clients, library staff will attempt to contact the appropriate parent/guardian. The library staff will only accept information about who to contact from the child if the child is not a member of the library. If the parent/guardian cannot be contacted, library staff may notify the appropriate welfare authority and/or the police.

All children must abide by the rules of behaviour of the library whilst on the premises. (See *Bourke Public Library Disruptive Behaviour Policy*). Library staff have the right to ask any disruptive child to leave the premises with or without prior warning, depending on the seriousness of the violation. The library may impose further restrictions on the child where it is deemed necessary, including banning from the library for a period of time, or indefinitely, and suspension of library membership privileges.

No unaccompanied children will be allowed in the library during school hours (ie. between 9:00am and 3:00pm), unless previously arranged with the appropriate parent/guardian. Parents/guardians must assume full responsibility for any damage to library resources caused by their children whilst the children are in the library, whether they are accompanying the child or not.

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<sup>1</sup> See Appendix 1

<sup>2</sup> See Appendix 2

<sup>3</sup> See Appendix 2

## **Appendix 1 – Library Regulation 2000**

### **Section 17 – Library users may be directed to leave**

- (1) A library staff member may direct any person to leave the library, and not to re-enter the library for such period as the staff member directs, if the staff member is of the opinion that:
  - (a) the person has contravened any provision of this Part, or
  - (b) the person's condition, conduct, dress or manner is likely to give offence to any person in the library or to interfere with any other person's use of the library.
- (2) A person to whom such a direction is given must not fail to comply with the direction.
- (3) The period for which a person may be excluded from the library by such a direction must not exceed the maximum period determined by the governing body of the library.

#### **Note**

The maximum period is one year of exclusion for Bourke Public Library is one year.

## **Appendix 2 – Children and Young Persons (Care and Protection) Act 1998**

### **Section 23 – Child or young person at risk of harm**

For the purposes of this Part and Part 3, a child or young person is at risk of harm if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence of any one or more of the following circumstances:

- (a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- (b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
- (c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- (d) the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,
- (e) a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm. Note. Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.

### **Section 24 - Report concerning child or young person at risk of harm**

A person who has reasonable grounds to suspect that a child or young person is, or that a class of children or young persons are, at risk of harm may make a report to the Director-General.

### **Section 27 - Mandatory reporting**

(1) This section applies 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) a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children.

(2) If:

(a) a person to whom this section applies has reasonable grounds to suspect that a child is at risk of harm, and (b) those grounds arise during the course of or from the person's work, the person must, as soon as practicable, report to the Director-General the name, or a description, of the child and the grounds for suspecting that the child is at risk of harm. Maximum penalty: 200 penalty units.

### **Section 228 - Neglect of children and young persons**

A person, whether or not the parent of the child or young person, who, without reasonable excuse, neglects to provide adequate and proper food, nursing, clothing, medical aid or lodging for a child or young person in his or her care, is guilty of an offence. Maximum penalty: 200 penalty units.

## **RELATED POLICIES**

## **VARIATIONS**

Council retains the right to review, vary or revoke this policy at any time.

The General Manager has the right to review or vary any related procedures.

Presented to Manex: 19/12/2012

Policy Adopted by Council: 21/01/2013