



POLICY 2403

DEALING WITH UNATTENDED CHILDREN IN THE LIBRARY

1. Intent of Policy

Oberon Council Library supports young people through the provision of collections and programs that foster an appreciation of literature and promote the development of information literacy skills.

While this philosophical underpinning enables the library to offer a broad range of services to young people, it also serves to define the categories of services offered. These categories are information and reader services, education and literacy support, access to public space and recreation. Notably, the public library brief in regard to services for young people does not include services provided professionally by other agencies, for example child care and formal education.

2. Objectives

Oberon Council Library's services to young people include:

- fiction, non-fiction and recreational books
- magazines
- CDs
- computer and internet access
- assistance from specialist and general staff in accessing collections and information
- eBooks and e-Resources
- DVDs
- internet guidance
- storytime
- space for activities or study

3. Scope of Policy

This policy applies to all users with specific reference to young people using the Oberon Library and to Council staff.

4. Principles

Clause 14 of the *Library Regulation 2010* (NSW) defines the proper use of a library. It is an offence to use a library for any other purpose.

Clause 14 Proper use of a library

A person must not, without the consent of the governing body for the library, use any library for any other purpose than reading, consulting or borrowing the library material of the library or using any other library service or information service.

Unattended Children

Young people under 10 years old must be accompanied and supervised by an adult at all times. Unsupervised children can be at risk in any public place, including public libraries. The staff at Oberon Library do not supervise children in the Library and there is a risk that unattended children may leave the Library at any time, hurt themselves, or be approached by strangers. In addition, the Library does not have the facilities to attend to children who are sick, injured or hungry.

Children left unattended in a Public Library may be classed as a child or young person at risk or harm under s.23 of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)* and may be reported as such to the Director-General of the Department of Family & Community Services under section 24 of this Act. Parents who leave a child unattended in a Public Library may be exposing their child to potential harm, and may be committing an offence under s.228 of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*.

Young people left alone in the Library can become distressed, bored or disruptive. Young people who disturb other Library users may be removed from the Library under clause 17 of the *Library Regulation 2010 (NSW)*. Procedures for removing disruptive young people from the library may include contacting the child's parents or coming to an arrangement with an occasional care centre, family support agency, youth service or police, to supervise the child until a parent or carer can be contacted.

Access to restricted materials

Oberon Library's general collection may contain publications that have been classified "Unrestricted" and films and computer games that have been classified "G" (General), "PG" (Parental Guidance) or "M" (Mature) in accordance with the *Classification (Publications, Films and Computer Games) Act 1995*. This material is available to all persons, including young persons, without restriction. The library has no censorship role in its choice of library resources that form the collection.

Library staff guide and assist young people in finding and accessing resources appropriate to particular interests and inquiries. However, some parents/guardians may wish to regulate their children's access to these publications, films or computer games, based on the family's values or beliefs. In these circumstances, responsibility for monitoring or supervising the child's use of the general collection remains with the parent/guardian.

Computer use

Oberon Library observes the *Classification (Publications, Films and Computer Games) Enforcement Act 1995 (NSW)*, which restricts the extent to which certain publications, films and computer games may be made available to the public, with particular restrictions for young people (under the age of 18).

Parents/guardians of young people are solely responsible for the young person's access to and use of the library's internet facilities, including access to sites, their subject matter and content.

Young people's use of the Library's Internet facilities should be authorised by parents/guardians. Provision is made for this authorisation on the library's junior membership forms.

Parental responsibility statement

It is the responsibility of parents/guardians to oversee their child's use of a public library in relation to:

- access to resources
- unattended children.

5. Library Staff Responsibilities

All Library staff are responsible for the implementation of this Policy.

Staff should be aware of the duty of care which they may owe in respect of children removed from libraries. More information about the *Civil Liability Act 2002 (NSW)* is included in Appendix 5.

A child left unattended in a public library may be classed as a child or young person at risk of harm in accordance with s. 23 of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*. If a staff member has reasonable grounds to suspect this is the case, he or she may make a report to the Director-General of the Department of Family & Community Services under s. 24 of this Act. The *Child Wellbeing and Child Protection – NSW Interagency Guidelines* provide information on the application of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*, and outline how agencies identify children at risk of harm, as well as the reporting responsibilities of agencies.

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 s. 228 of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*.

Library staff on duty at the time a child is left unattended have the responsibility for contacting parents/carers, ambulance and/or police, where necessary. They are also required to report the event to Council's Workplace Health & Safety/Risk Coordinator within 24 hours, by completing an incident form.

If Library staff become aware that a child is left unsupervised in the library for a long period of time, parents/carers should be contacted, informed of library policy, and supplied with a list of local child care facilities. If the parents/carers ignore this policy or are not able to be contacted, and a staff member has reasonable grounds to suspect the child is, accordingly, at risk of significant harm in accordance with s. 23 of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*, the situation may be reported to the Director-General of the Department of Community Services.

6. Communication

Council will ensure that Library users are informed of this Policy through displaying the Policy at the Oberon Library, placing it on Council's website and approved social media and in accordance with other communication methods as outlined in the adopted Communication Engagement Strategy.

7. Complaints

Complaints about the implementation of this Policy will be dealt with initially by the Library Manager. Complaints that cannot be resolved at this level will be referred to the Corporate Services Director.

If the customer remains unsatisfied they may write to:

The General Manager
Oberon Council
PO Box 84
OBERON NSW 2787

Legislative and Policy Framework

Most relevant legislation

- *Children and Young Persons (Care and Protection) Act 1998*
- *Civil Liability Act 2002*
- *Classification (Publications, Films and Computer Games) Act 1995 (Cth)*
- *Classification (Publications, Films and Computer Games) Enforcement Act 1995*
- *Library Act 1939*
- *Library Regulation 2010*
- *Privacy and Personal Information Protection Act 1998*
- Related and/or most relevant State Library and government policies
- Library Council of New South Wales, Internet Policy Guidelines for NSW Public Libraries, 2011
- Library Council of New South Wales, Access to Information in New South Wales Public Libraries Guideline, 2007

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