



Children and the Library Policy

v 3.0

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Associated documents and policies: Internet Policy, Code of Conduct Policy (Appendix 8), Breach of Code of Conduct Procedure (Appendix 7)

Scope of Public Library Service to Young People

Public libraries provide the community with access to information and recreational materials through a variety of services and resources. Libraries support 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 public libraries 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. Public libraries do not include services provided professionally by other agencies, for example child care and formal education.

Introduction and Welcome Statement

Young people are core clients of NSW public libraries. They are potentially the future adult users, and supporters of, public libraries.

Richmond-Upper Clarence Regional 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 and programs to meet the needs of young people.

This policy is based on the *Library Council of New South Wales, Children's Policy Guidelines for NSW Public Libraries* developed by the NSW State Library. The policy is designed to provide a clear understanding of Library Services' Policies and Procedures with regard to the issues of duty of care, discipline, supervision, parent/guardian responsibilities and safety of children visiting Richmond-Upper Clarence Regional Library. The purpose of this policy is to inform parents/carer providers that the library does not assume responsibility for their children and to provide the guidelines to be used by staff in the event that a child is left unattended in the library.

NSW Library Legislation

NSW public libraries operate under *the Library Act 1939* (NSW) and the Library Regulation 2018 (NSW). Clause 14 of the Library Regulation 2018 defines the proper use of a library and, by extension, the scope of a library's services:

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 any other library service or information service.

The local authority may consent to other uses of library facilities.

Definitions

Richmond-Upper Clarence Regional Library or “**the Library**”: refers to all branches of the library service – Casino, Kyogle, Evans Head, Coraki and Mobile Library.

Child: as per the *Children and Young Persons (Care and Protection) Act 1998* (see Appendix 5), this means a person under the age of 16 years.

Unattended child: A child left unattended in a Public Library, may be classed as a child or young person at risk of harm under s. 23 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW) (see Appendix 5) and may be reported to an appropriate authority.

Parent/carer provider: includes the legal guardian of the child and a responsible person over the age of 16 years who has been delegated responsibility for the child by its parent or legal guardian.

Service Statement

The Richmond-Upper Clarence Regional Library's services to young people include:

- fiction, non-fiction and recreational books
- reference materials
- magazines
- audiobooks
- music CDs
- DVDs
- computer and internet access (subject to observing copyright)
- assistance from staff in accessing collections and information
- homework help
- eBooks and eResources including streaming services
- internet training
- literacy programs, special events and performances
- space for activities or study

Parental Responsibility

This part of the policy defines the responsibilities of parents/guardians with regard to their child's use of a public library. Topics to be covered include information on:

- access to resources
- unattended children

Access to Resources in a Library's General Collection

The Richmond-Upper Clarence Regional 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* (Cth). This material is available to all persons, including young persons, without restriction.

Members under the age of 18 are not permitted to access items with an "R" rating, and members under the age of 15 may only access films rated "MA" with the consent of their parent or guardian.

Richmond-Upper Clarence Regional Library also offers access to films via streaming services, which may include films that have been classified 'MA' and 'R'. Members under the age of 18 are not permitted to access films with an 'R' rating, and members under the age of 15 may only access films rated 'MA' with the consent of their parent or guardian.

The Richmond-Upper Clarence Regional Library also offers access to films via a streaming service which may include films that have been classified “MA” and “R”.

Parents/guardians are responsible for ensuring that their child’s selection and use of materials in the library’s general collection accords with any restrictions the family may wish to set. Richmond-Upper Clarence Regional Library encourages parents/guardians to consult with their child to develop clear rules regarding access to resources that accord with the family’s personal values and beliefs.

The Library promotes and supports young people’s access to information, including electronic information through its Internet facilities. Library staff are available to assist young people in the use of the Internet, and to recommend websites on particular subjects. Parents/guardians are solely responsible for their child’s use of the Internet, in line with the Library’s Internet Policy.

Unattended Children

Unsupervised children can be a risk in any public space, including public libraries. Richmond-Upper Clarence Regional Library staff 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.

Children left unattended in a public library may be classed as a child or young person at risk of harm under section 23 of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)* (see Appendix 5) and may be reported as such to the Secretary of the Department of Family & Community Services. Parents who leave a child unattended in a public library are exposing their child to potential harm, and may be committing an offence under section 228 of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*.

Young children left alone in a 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 2018 (NSW)*.

Children Deemed to be at Risk

Our aim is to produce a safe, enjoyable experience for all children who attend the library. Staff will always provide a duty of care, but cannot supervise children whilst carrying out work responsibilities. They are unable to provide the necessary degree of supervision desirable for young children. This responsibility remains at all times with the carer/guardian.

If library staff consider children are at risk because they have been left in the library for a long period of time, they have been observed being left unattended

at the library on a regular basis, or, they remain at the library at closing time, the following procedure will be followed:

- **If possible, the parents/carers will be contacted in person or by telephone.**
- **If the staff are unable to contact the parents/ carers after 15 minutes, then the staff will contact the Police, or another appropriate authority to come and collect the child.**
- **Staff must then submit an incident report on 666 00 300 and notify the Library Manager.**

Children must not be left alone with a staff member and staff will not drive the child home.

Parents/care providers who contravene this policy and leave children unattended on more than one occasion will be issued a letter from the Library Manager accompanied by a copy of this policy.

Structured Activities at the Library

Library staff regularly present structured activities for children. Children attending specific programs organised by the Richmond-Upper Clarence Regional Library, will be supervised for the duration of the activity, except for activities run for children in the 0-5-year age group. During these activities, carers/guardians are required to stay with their children. Children of this age are often not socialised enough for group listening, may wander away, become distressed or disrupt others. It is the responsibility of the parents/guardians to attend to their children during these activities.

At times, only one staff member conducts children's' activities. These activities will be in clear view of other library staff and/or the public; and in Casino Library are in view of the CCTV cameras. Carers/Guardians are not required to stay, but need to be aware that the supervision only applies to the time scheduled for the activity and they should come back to the Library prior to the scheduled finishing time of the program. As soon as the activity is completed the normal Unattended Young Person Procedures apply.

Sick/Injured Young Persons in the Library

The Workplace Health & Safety guidelines are applicable in these situations. Staff will always ensure that sick/injured young persons are treated with care and respect and will offer assistance to sick/injured young persons.

If the young person is unattended, library staff will offer assistance, where possible by a staff member who holds a current first aid certificate.

In the event of serious illness/injury, staff will call the emergency services and advise the Library Manager as well as the parent/guardian immediately. Staff will submit an incident report by ringing 666 00 300.

Disruptive Behaviour in the Library

All who visit the library are expected to comply with our *Code of Conduct Policy* (see appendix 8).

In the event that any children visiting the library breach this policy, the *Procedure for dealing with a breach in the Library Code of Conduct Policy* will be followed (see appendix 7).

Child-safe, Child-friendly Principles

The *NSW Commission for Children and Young People* promote child-safe policies and practices by encouraging organisation to become child safe.

A child Safe Organisation is one that systematically; reduces the likelihood of harm occurring against a child, increases the likelihood of identifying and reporting harm and provides adequate support to a child when harm has occurred or is alleged to have occurred.

The Child Safe Standards are:

1. Child safety is embedded in institutional leadership, governance and culture.
2. Children participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved.
4. Equity is upheld and diverse needs are taken into account.
5. People working with children are suitable and supported.
6. Processes to respond to complaints of child sexual abuse are child focused.
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
8. Physical and online environments minimise the opportunity for abuse to occur.
9. Implementation of the Child Safe Standards is continuously reviewed and improved.
10. Policies and procedures document how the institution is child safe.

We strive to recognise and abide by these principles in our policy and in our interactions with children within our facilities. All Richmond-Upper Clarence Regional Library staff have a current Working With Children Check.

Reporting Incidents

Any person can make a report of harm or risk of harm to a child or young person under section 24 of the Children and Young Persons (Care and Protection) Act 1998 (NSW). Some have a legal obligation to do so under section 27 of that Act in respect of children under 16 — these are known as mandatory reporters. If library staff deliver education, training or other services to children, section 27 may apply.

In the event of a complaint being made it should be reported to the Secretary, through the NSW Department of Family & Community Services. Further information is available in the NSW Interagency Guidelines which provide guidance for government and non-government agencies delivering child wellbeing and child protection services in NSW.

There are also reporting obligations under the reportable conduct scheme. Anyone may report a “reportable allegation” or a conviction the persons considers is a “reportable conviction” with respect to an employee of the library to the agency head under the Children’s Guardian Act 2019 (NSW). Employees of the library are required to make a report if they become aware of a reportable allegation or reportable conviction in relation to another employee. In this context, employee includes a volunteer engaged to provide services to children and a contractor who holds, or is required to hold, a working with children check clearance.

Reportable allegations and reportable convictions concern “reportable conduct”. “Reportable conduct” includes a sexual offence, sexual misconduct, ill-treatment of a child, neglect of a child, an assault against a child, an offence of failing to care for a child, an offence of concealing a child abuse offence, and behaviour that causes significant emotional or psychological harm to a child.

If the employee about which the allegation or conviction relates holds, or is required to hold, a working with children check clearance, then the allegation or conviction is reportable even if it occurred outside of the course of the person’s engagement with the library.

Mandatory reporters can make a child protection report by calling the Child Protection Hotline on **132 111**, which is available 24 hours a day, 7 days per week.

Further details on how to make a child protection report can be found here on the NSW Government Communities & Justice website:

<https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/how-to>

APPENDICES

Appendix 1

Professional Values

The Library Council of NSW Access to Information in New South Wales Public Libraries Guideline¹⁶ states that public libraries have ‘a role as an unbiased source of information and ideas, including online content. It must accept responsibility for providing free access to materials and information presenting, as far as possible, all points of view on current and historical issues, including controversial issues’.

The Australian Library and Information Association (ALIA) Statement on Free Access to Information¹⁷ states that ‘freedom can be protected in a democratic society only if individuals have access to information and ideas’.

This statement also addresses censorship. Libraries should resist ‘attempts by individuals or groups within their communities to restrict access to information and ideas while at the same time recognising that powers of censorship are legally vested in state and federal governments’. Collection material should not be rejected on the grounds that its content is controversial or likely to offend some sections of the library’s community.

People engaged in library and information services operate under a code of professional ethics, articulated in the ALIA Statement on Professional Conduct¹⁸, and are committed to ‘intellectual freedom and the free flow of ideas and information’. All public library staff regardless of qualifications should follow this code.

The UNESCO Public Library Manifesto¹⁹ which states that ‘constructive participation and the development of democracy depend on satisfactory education as well as on free and unlimited access to knowledge, thought, culture and information’.

Relevant articles from the United Nations Convention on the Rights of the Child might also be noted by public libraries, including:

Article 13: Outlines the child’s right to freedom of expression, to seek, receive and impart information and ideas.

Article 29: Outlines that children have the right to develop personality, talents, mental and physical abilities to their fullest potential.

Article 31: Recognises the right of children to leisure, play and recreational activities and the freedom to participate in cultural and artistic life.

www.sl.nsw.gov.au/public-library-services/library-council-guidelines

www.alia.org.au/open-access-resources/policies-standards-and-guidelines

[www.alia.org.au/open-access-resources/policies-standards-and-](http://www.alia.org.au/open-access-resources/policies-standards-and-guidelines)

[guidelines](http://www.alia.org.au/open-access-resources/policies-standards-and-guidelines)¹⁹[www.ifla.org/publications/iflaunesco-public-library-manifesto-](http://www.ifla.org/publications/iflaunesco-public-library-manifesto-199420)

[199420](http://www.ifla.org/publications/iflaunesco-public-library-manifesto-199420)www.ohchr.org/en/professionalinterest/pages/crc.aspx

Appendix 2

Classification (Publications, Films and Computer Games) Act 1995 (Cth)

7 Types of classifications

(1) The following are the different types of classifications for publications in ascending order:

Unrestricted

Category 1 restricted

Category 2 restricted

RC Refused Classification

(2) The following are the different types of classifications for films in ascending order:

G General
PG Parental Guidance
M Mature
MA 15+ Mature Accompanied
R 18+ Restricted
X 18+ Restricted
RC Refused Classification

(3) The following are the different types of classifications for computer games in ascending order:

G General
PG Parental Guidance
M Mature
MA 15+ Mature Accompanied
RC Refused Classification

Appendix 3

Public Library Exemption under the Classification (Publications, Films and Computer Games) Enforcement Act 1995 (NSW)

53 Exemptions for public libraries

(1) In this section:

MA material means a film, or computer game, classified MA 15+.

Public library means the State Library of New South Wales or a local library within the meaning of the Library Act 1939.

Restricted material means:

- (a) a film classified R 18+, and
- (b) a publication classified Category 1 restricted or Category 2 restricted.

(2) A public library, or any person employed in a public library, does not commit an offence under this Act in respect of any MA material or restricted material that is held in the library if the following requirements are complied with (whether by way of library rules or otherwise):

- (a) the display or perusal of MA material and restricted material, and access to such material by members of the public, must be restricted in an appropriate manner,
- (b) MA material and restricted material must not be screened or demonstrated in the library in the presence of members of the public,
- (c) minors must not be permitted to borrow restricted material,
- (d) minors under 15 must not be permitted to borrow MA material without parental or guardian consent.

(3) In order to comply with subsection (2) (c), it is sufficient that:

- (a) the person borrowing the restricted material from the library (the borrower) produced to the person responsible for lending the material documentary evidence that might reasonably be accepted as applying to the borrower and as showing that the borrower was 18 or older, or
- (b) the person responsible for lending the material believed on reasonable grounds that the borrower was 18 or older.

(4) In order to comply with subsection (2) (d), it is sufficient that:

- (a) the person borrowing the MA material from the library (the borrower) produced to the person responsible for lending the material documentary evidence that might reasonably be accepted as applying to the borrower and as showing that the borrower was 15 or older, or
- (b) the person responsible for lending the material believed on reasonable grounds that the borrower was 15 or older (or that parental or guardian consent has been given).

Appendix 4

Removal under clause 17 of the *Library Regulation 2018 (NSW)*

The *Library Regulation 2018* (in force under the *Library Act 1939*) gives library staff the power to exclude library users who interfere with any other person's use of the library. Libraries should determine local standards for acceptable behaviour and appropriate exclusion periods consistent with the provisions in Part 3 of the Regulation. The maximum period of exclusion must be determined by the governing body of the Library. One year is a common maximum period for exclusion.

Clause 17 outlines the broad circumstances under which users may be directed to leave the library.

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.

Maximum penalty: 2 penalty units.

(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.

Appendix 5

Children and Young Persons (Care and Protection) Act 1998 (NSW)

Relevant provisions of the *Children and Young Persons (Care and Protection) Act 1998* are set out below.

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,
- (b1) in the case of a child or young person who is required to attend school in accordance with the Education Act 1990 – the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act,
- (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,
- (f) the child was the subject of a pre-natal report under section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

Note: Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.

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.

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.

(3) A person to whom this section applies satisfies his or her obligations under subsection (2) in relation to two or more children that constitute a particular class of children if the person reports that class of children to the Director-General together with:

- (a) a description that is sufficient to identify all the children who constitute the class, and
- (b) the grounds for suspecting that the children of that class are at risk of harm.

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.

Appendix 6

Extract from the Civil Liability Act 2002 No. 22 (NSW)

5B General principles

(1) A person is not negligent in failing to take precautions against a risk of harm unless:

- (a) the risk was foreseeable (that is, it is a risk of which the person knew or ought to have known), and
- (b) the risk was not insignificant, and
- (c) in the circumstances, a reasonable person in the person's position would have taken those precautions.

(2) In determining whether a reasonable person would have taken precautions against a risk of harm, the court is to consider the following (amongst other relevant things):

- (a) the probability that the harm would occur if care were not taken,
- (b) the likely seriousness of the harm,
- (c) the burden of taking precautions to avoid the risk of harm,
- (d) the social utility of the activity that creates the risk of harm.

Part 5 of the Civil Liability Act provides as follows:

Part 5 Liability of public and other authorities

public or other authority means:

- (d) a local council, or

42 Principles concerning resources, responsibilities etc. of public or other authorities

The following principles apply in determining whether a public or other authority has a duty of care or has breached a duty of care in proceedings for civil liability to which this Part applies:

- (a) the functions required to be exercised by the authority are limited by the financial and other resources that are reasonably available to the authority for the purpose of exercising those functions,
- (b) the general allocation of those resources by the authority is not open to challenge,
- (c) the functions required to be exercised by the authority are to be determined by reference to the broad range of its activities (and not merely by reference to the matter to which the proceedings relate),
- (d) the authority may rely on evidence of its compliance with the general procedures and applicable standards for the exercise of its functions as evidence of the proper exercise of its functions in the matter to which the proceedings relate.

Appendix 7

Procedure for dealing with a breach in the Library Code of Conduct Policy

This procedure will be followed for a breach in any points listed in our Library Code of Conduct Policy. It should be noted that this applies to our physical branches and their grounds, and any activity online.

If a patron has been found to breach any conditions in our Code of Conduct Policy, the following steps should be taken by Library staff, and the Manager Regional Library should be notified of any and all breaches that may occur:

1. The patron will be verbally notified that their behaviour/s is not acceptable within our facilities and be shown our Library Code of Conduct Policy and/or our Library Computer and Internet Use Policy if required.
Action: Adults receive 1 verbal warning, children receive 2 verbal warnings.
Report Cyberbullying of a person under 18 years at www.esafety.gov.au
Report Cyber Crimes at <https://report.acorn.gov.au>
Report Scams at www.scamwatch.gov.au
2. If the unacceptable behaviour continues, the patron will be asked to leave the library building and surrounding grounds immediately.
Action: Banned for the remainder of that day. (Please notify all branch staff of the patron involved).
3. If the patron refuses to leave the library building and grounds, or, their behaviour has broken Australian law, the patron should be notified that the police will be called on 000.
Action: Call police on 000.
Report the incident to 666 00 300.
Report Cyberbullying of a person under 18 years at www.esafety.gov.au
Report Cyber Crimes at <https://report.acorn.gov.au>
Report Scams at www.scamwatch.gov.au
Banned for the remainder of that day. (Please notify all branch staff of the patron involved)
4. If the patron has been involved in more than one documented incident, further action may be taken.
Action: As deemed appropriate by the Manager Regional Library. This may include a long-term ban from the Library.

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Appendix 8

Library Code of Conduct Policy

v 2.0

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Associated documents and policies: Children and the Library Policy, Internet Policy

The Richmond-Upper Clarence Regional Library is committed to providing a welcoming and safe environment for research, study and learning. For your safety, and for the security of the Library's collections and buildings, a number of surveillance cameras have been placed in public areas at the Casino, Coraki and Evans Head branches.

This code outlines the conduct we expect from patrons, and conforms to the conditions contained in the Library Regulation 2010. The code also takes into account expected behaviour physically within the Library and the Library grounds, as well as via internet, as set out in the eSmart Libraries framework. Patrons who do not comply with the Library Regulation and the Code of Conduct may be asked to leave the Library or may be refused access to the building.

Your responsibilities as a patron

- Treat fellow library users and Library staff with respect and courtesy. This includes use of good manners, and use of G-rated language.
- Disruptive behaviour and excessive noise are not acceptable in the Library. Group discussions and mobile phone conversations may be conducted, but must be kept at an acceptable level that does not disturb other patrons.
- Headphones must be used when using any type of electronic device with sound inside the Library. The volume must be at a level that cannot be heard by other patrons of staff.
- Internet use must be in accordance with our Internet Policy.
- Meet acceptable levels of personal hygiene and dress, in the interests of your health and safety and the interests of other patrons using Library facilities.
- Take care of your own belongings and the people in your care, as well as Library collections, equipment and furniture. Damaging Library material is not acceptable. Personal items, including electronic devices, should not be left unattended and should not be placed in an area that may pose a risk of injury to anyone. The Library is not responsible for any loss or damage that may occur to personal belongings.
- Refrain from smoking on Library premises



- Children under the age of 12 must be in the company of an adult. Please see our Children and the Library Policy for more information.
- Follow staff directions at all times, including closing time and any evacuation procedures being followed.
- Inform Library staff promptly of any concerns or feedback you have regarding your visit to the Library, including negative or disruptive behaviour of other patrons in person or online, including cyberbullying.
- Food and drinks can be consumed in the library, but must be kept away from the public access computers and other electrical equipment.

Our responsibilities to you

You can expect that we will:

- Provide a prompt, courteous and efficient service to all
- Provide clear and accurate information regarding Library policies
- Provide access to resources and services beyond the library
- Encourage community use of the Library
- Respect your privacy
- Endeavour to make you feel welcome and at ease in a comfortable environment
- Provide collections that include resources that are current, appropriate and well maintained
- Provide professional staff to assist you in using the Library's resources and services