

Wellington City Libraries and Community Spaces

Unattended Children - Guidelines for Parents/Guardians

We acknowledge everyone has a right to be in the Library or Community Space, and each situation involving an unattended and/or unsupervised child needs to be considered on its own merits.

Wellington City Libraries and Community Spaces have a duty of care obligation to provide a healthy and safe environment for their customers and staff.

Libraries and Community Spaces are public places. Your children must be accompanied and actively supervised by a parent or guardian at all times to ensure their safety.

Our staff may contact the Police and/or Oranga Tamariki if children are found unattended, unsupervised, and not under the care of a responsible adult or young person who can act in loco parentis.

Libraries and Community Spaces staff have formal procedures in place that we adhere to if a child is left unattended, without making reasonable provision for their supervision or care in our place of work.

Libraries and Community Spaces definitions

Child: any person under the age of 14.

Young Person: any person of or over the age of 14, but under the age of 17 years.

Unattended: where the child is not directly under the care of a responsible guardian aged 14 years or older.

Unsupervised: where the guardian is not within visual or audible range, and/or is not actively caring for the child's health and safety.

In loco parentis: an individual who assumes parental status and responsibilities for another individual.

Reasonable provision for supervision and care: where the child is knowingly left in the care and under the supervision of a responsible guardian who can act in loco parentis.

Relevant Legislation

Our responsibilities are derived primarily from the **Health and Safety at Work Act (2015)**. It places a broad responsibility on WCC and staff for preventing harm in workplaces to both employees and non-employees:

Part 2 Health and Safety Duties

Subpart 2 – Duties of PCBUs

36 - Primary duty of care

- (1) A PCBU must ensure, so far as is reasonably practicable, the health and safety of
 - a. Workers who work for the PCBU, while the workers are at work in the business or undertaking; and
 - b. Workers whose activities in carrying out work are influenced or directed by the PCBU, while the workers are carrying out the work
- (2) A PCBU must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put a risk from work carried out as part of the conduct of the business or undertaking.

37 – Duty of PCBU who manages or controls workplace

- (1) A PCBU who manages or controls a workplace must ensure, so far as is reasonably practicable, that the workplace, the means of entering and exiting the workplace, and anything arising from the workplace are without risks to the health and safety of any person.

45 – Duties of workers

While at work, a worker must –

- a. Take reasonable care for his or her own health and safety; and
- b. Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons

46 – Duties of other persons at workplace

A person at a workplace (whether or not the person has another duty under this Part) must –

- a. Take reasonable care for his or her own health and safety; and
- b. Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- c. Comply, as far as he or she is reasonably able, with any reasonable instruction that is given by the PCBU to allow the PCBU to comply with this Act or regulations

Note:

A **PCBU** is a 'Person in Charge of a Business or Undertaking' – usually an organisation. So, in this instance WCC/Wellington Libraries & Community Spaces.

A **Worker** is in this instance WCC/Wellington Libraries and Community Spaces staff or any contractors that may be onsite

Other persons at the workplace in this instance are visitors/members of the public

The **Summary Offences Act (1981)** is relevant to unattended and unsupervised children:

10B Leaving child without reasonable supervision and care

Every person is liable to a fine not exceeding \$2,000 who, being a parent or guardian or a person for the time being having the care of a child under the age of 14 years, leaves that child, without making reasonable provision for the supervision and care of the child, for a time that is unreasonable or under conditions that are unreasonable having regard to all the circumstances. (Section 10B: amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97)).