

CP03 Child Safety and Wellbeing Policy

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Policy Objective

Benalla Rural City Council commits to ensuring the safety and wellbeing of all children and young people.

This Policy explains what Council must do to keep children safe from abuse and harm. It follows the laws and rules created to protect children and young people in Victoria including criminal law, the Child Safe Standards (the Standards) and the Reportable Conduct Scheme (the Scheme) and existing mandatory reporting (child protection) requirements.

The Policy also explains what people who work for the Council should do if they think a child is at risk of abuse or harm. All people who work for or with Council, including Councillors, employees, contractors, and volunteers, must always think and act to protect children and young people. Children and young people will be informed of their rights and will be encouraged to speak up. Council will take all reports of harm seriously and take prompt action.

Policy Scope

This Policy covers all children and young people who use Council's programs and services in person or online in spaces owned or managed by the Council.

Everyone who works with or for Council must understand child safety. This includes Councillors, Council employees, volunteers, and students on work experience or placement. All of these groups must follow the Policy, the Standards and reporting requirements. Council also requires other groups it works with, like lease holders, contractors and grant recipients, to understand child safety and to follow this Policy.

Third parties engaged by Council are required to follow child safety legislation and principles as part of their contractual agreement with Council. An exception applies to conditions relating to the Reportable Conduct Scheme; individuals employed by contracted organisations are not considered Council employees under the Scheme.

Background

In 2012 the Victorian Government reviewed how religious and other non-government organisations handle child abuse as part of the Betrayal of Trust Inquiry. The inquiry's report made recommendations, which were acted on by the Victorian government and included:

- criminal law reform – offences relating to grooming, failure to protect and failure to disclose
- the creation of child safe organisations – mandatory Child Safe Standards and the Reportable Conduct Scheme.

In 2015, the Victorian *Child Wellbeing and Safety Act 2005* was changed to include the Victorian Child Safe Standards (the Standards). Initially there were seven standards, and these were replaced with 11 new standards in July 2021. Organisations that provide services to children and young people must develop policies and procedures that follow these Standards.

Further, in 2017 the Child Wellbeing and Safety (*Child Safe Standards Compliance and Enforcement*) Amendment Act 2021 was amended, giving powers to the Commission for Children and Young People (CCYP) to oversee the Reportable Conduct Scheme. The Scheme requires organisations to report and investigate allegations of child abuse and child-related misconduct.

Council has committed to being a child safe organisation, complying with all relevant legislation, including the Child Safe Standards and the Reportable Conduct Scheme.

1. The Eleven Child Safe Standards

The Standards are a compulsory framework that support organisations providing services to children to promote the safety of children. They require organisations to implement policies to prevent, respond to and report allegations of child abuse and harm caused by adults or other children.

1. Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.
2. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
3. Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.
4. Families and communities are informed and involved in promoting child safety and wellbeing.
5. Equity is upheld and diverse needs respected in policy and practice.
6. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
7. Processes for complaints and concerns are child-focused.
8. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
9. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
10. Implementation of the Child Safe Standards is regularly reviewed and improved.
11. Policies and procedures document how the organisation is safe for children and young people.

Every organisation that has to comply with the Standards has a regulator: the Commission for Children and Young People (CCYP) is the regulator for the Standards for Councils. As Council provides several types of children and youth services other 'sector regulators' assist co-regulate the Standards.

The Department of Health is the sector regulator for Maternal and Child Health services, and the Human Services Regulator is the sector regulator for Department of Families, Fairness and Housing funded child, families and youth services. There are penalties for not complying with the Standards, being up to \$20,000 for an organisation.

2. Reporting a Child Safety Concern

All workers at Council have a duty to keep children safe from harm. They must follow the rules for reporting set out in this policy.

Council understands that reporting concerns about abuse can be hard for employees. They should seek help and support from their manager, a member of the Internal Response Team (IRT), or Council's Employee Assistance Program (EAP) during the reporting process.

2.1 The Victorian Reportable Conduct Scheme

Council is committed to ensuring the safety and wellbeing of children and young people and is taking active steps to ensure that all allegations are properly reported and investigated fairly.

The Reportable Conduct Scheme is a mandatory reporting scheme that requires the reporting of all allegations of child abuse against Councillors, employees, contractors, and volunteers to the Commission of Children and Young People. The scheme sits alongside other existing reporting processes, such as Child Protection, criminal law (Police), and mandatory reporting, and does not replace these reporting requirements.

There are five types of 'reportable conduct' listed in the *Child and Safety Wellbeing Act 2005*:

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- physical violence (against, with or in the presence of, a child)
- behaviour that causes significant emotional or psychological harm
- significant neglect.

A reportable allegation is made when a person makes an allegation based on reasonable belief that a Councillor, employee, volunteer or contractor has committed a reportable conduct or misconduct that may involve reportable conduct, either within or outside work. Reasonable belief is more than a suspicion, there must be some objective basis, but it does not require proof or certainty. A person is likely to have reasonable belief if they:

- observed the conduct themselves
- heard directly from a child that the conduct occurred
- received information from another credible source (including another witness).

A report can be made by anyone including children, young people, parents/carers, Councillors, employees, volunteers, contractors, or members of the community.

The Chief Executive Officer (CEO) is responsible for responding to all reportable conduct allegations and ensuring that they are appropriately investigated. In accordance with the Reportable Conduct Scheme guidelines the CEO is required to:

- respond to a Reportable Conduct allegation made against a worker or volunteer from their organisation, by ensuring that allegations are appropriately investigated
- report allegations which may involve criminal conduct to the police
- notify the Commission of allegations within three business days after becoming aware of the allegation
- provide the Commission with certain detailed information about the allegation within 30 days after becoming aware of the allegation
- after the investigation has concluded, provide the Commission with certain information including a copy of the findings of the investigation
- ensure that their organisation has systems in place to:
 - prevent reportable conduct from being committed by a worker or volunteer within the course of their employment
 - enable any person to notify the CEO of a reportable allegation
 - enable any person to notify the Commission of a reportable allegation involving the CEO
 - investigate and respond to a reportable allegation against a worker or volunteer from that organisation.

Failure of the CEO to comply with the three-day and 30-day notification period without a reasonable excuse is a criminal offence.

2.2 Mandatory Reporting

Mandatory reporting means that certain people must tell the authorities if they have a reasonable belief that a child is being abused or mistreated.

Under the *Children Youth and Families Act 2005 (Vic)*, Council's Maternal and Child Health Nurses are mandatory reporters. They are legally required to contact the Department of Families, Fairness and Housing (Child Protection) on telephone 1300 360 391. They must report if a child has suffered or is likely to suffer significant harm, and the child's parents have not protected or are unlikely to protect the child.

The penalty for failing to make a mandatory report in Victoria is 10 penalty units.

2.3 Criminal Law Reform

In Victoria, three new criminal offences have been introduced to help protect children. All adults are required to take action to protect children from sexual abuse and report any concerns to the police. These offences only apply to sexual abuse of children under 16 years of age and not other forms of abuse or neglect reportable under the Scheme and Child Protection. Council also has obligations to report any suspected crimes to protect children.

Under the *Crimes Amendment Act 2014 (Vic)* Council has legal obligations in the reporting of the following criminal offences to protect children from harm. If a reported allegation may be a criminal offence the CEO must report the allegation to both Victoria Police and the Commission for Children and Young People.

The three offences are:

- **Grooming offence:** This targets behaviour that aims to prepare a child for sexual activity. It applies to anyone over 18 years of age who communicates by words or conduct, online or face-to-face with a child or someone taking care of a child with the intention of sexual activity. The maximum penalty is 10 years in prison.
- **Failure to disclose offence:** This applies to anyone over 18 years of age who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years of age but does not report it to the police. The maximum penalty is three years in prison.
- **Failure to protect offence:** This applies when a person in a position of authority in an organisation knows about the risk of sexual abuse of a child by an adult in the organisation but does not act to protect the child. The maximum penalty is five years in prison.

3. Policy Context

In developing the *Child Safety and Wellbeing Policy* the following laws and references are relevant.

Related Policies

United Nations Convention on the Rights of the Child

Child Safe Code of Conduct

Staff Code of Conduct

Councillor Code of Conduct

Council Complaints Handling

Council Information Policy

Council Procurement Policy

Council Risk Management Policy

Council Volunteer Policy

Council Recruitment Policy

Council Staff Induction Policy

Council Electronic Communications

Council IT Policy – Acceptable Use

Council Community Plan 2016 - 2036

Council Youth Strategy 2022-2026

Council Plan 2022-2025 (incorporating the Municipal Public Health and Wellbeing Plan)

Benalla Early Years Strategic Plan

Related Legislation

Local Government Act 2020

Victorian Charter of Human Rights and Responsibilities Act 2006

Child Wellbeing and Safety Act 2005 (Vic)

Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Bill (Vic)

Children Youth and Families Act 2005 (Vic)

Crimes Amendment Act 2014 (Vic)

Victorian Reportable Conduct Scheme (Vic)

Child Information Sharing Scheme (Vic)

Worker Screening Act 2020 (Vic)

Privacy and Data Collection Act 2020 (Vic)

Health Records Act 2020 (Vic)

National Redress Scheme

4. Statement of Commitment to Child Safety

Council has a zero-tolerance approach to the abuse or harm of children and young people. Council acknowledges that abuse and neglect of children and young people can have lifelong impacts on their development and later outcomes. Council will not allow any harm to come to children and will ensure everyone who works with or for Council, including staff, volunteers, and contractors, know how to keep children safe and how to report abuse.

All children have the right to feel safe and valued when they participate in Council programs and activities both in-person or online, and Council will make sure they know their rights. Council also wants to create a community where everyone, no matter age, gender identity or other identity, sexual orientation, ethnicity, religious beliefs, ability or family background, feels included and respected.

Council recognises the distinctive history, experiences and cultural rights of Aboriginal and Torres Strait Islander children and is committed to creating a culturally safe and inclusive environment in which their identity, experience and culture is respected and valued.

Keeping children safe is Council's top priority and this Policy outlines the policies, procedures and practices in place to make sure this happens. This Statement of Commitment to Child Safety will be shown on all council websites, job advertisements, employee and volunteer position descriptions, and other relevant materials.

5. Working with Children Check

Council carefully chooses its employees, contractors, and volunteers to make sure that only appropriate people work there. Council's hiring process includes making sure everyone knows about the commitment to keeping children safe by displaying the Statement of Commitment to Child Safety.

All new staff are required to undertake a Police Security Check and all new staff and volunteers working in child facing roles are required to obtain a Working with Children Check. All existing staff within the Community department and in other areas across the organisation with child-facing roles are required to have a current Working with Children Check.

These checks are managed in line with Council's Recruitment Policy and the Community Services Working with Children Check Policy and the Police Check Policy.

Staff/volunteers do not need a Working with Children Check if they are:

- under the age of 18 years
- a parent volunteer whose child ordinarily participates in the activity
- a sworn police officer who has not been suspended from duty
- a teacher that has current registration with the Victorian Institute of Teaching.

Council complies with all relevant regulatory and legal requirements when recruiting staff to ensure its employees and customers are not placed under unreasonable risk.

6. Code of Conduct/Standards of Behaviour

Employee and Volunteer Responsibilities:

All employees or volunteers of Council are responsible for ensuring the safety and wellbeing of children and young people. This includes following the *Child Safe Code of Conduct*, which will be signed prior to commencement with Council. Additionally, all employees, Councillors and volunteers must abide by their Code of Conduct.

Contractor Responsibilities:

All Council contractors are required to acknowledge and accept the *Child Safe Code of Conduct* as part of their contractor induction process. Contractors must address any questions or concerns about the Code with their contract manager and abide by it at all times while performing their contracted services. Any suspected or alleged breaches of the Code will be investigated and may result in termination of the contract.

7. Responding to Child Safety Concerns

Council is committed to keeping children and young people safe and will take prompt action to protect them if there is a concern about their safety. Council will also fairly and thoroughly handle any complaints and report any safety issues.

A **child safety concern** is any issue that has or could impact negatively on the safety and wellbeing of children and young people.

A **child safety complaint** is an expression of dissatisfaction to an organisation related to one or more of the following:

- the organisation's services or dealings with individuals
- allegations of abuse or misconduct by a staff member, a volunteer or another individual associated with the organisation
- disclosures of abuse or harm made by a child
- the conduct of a child at the organisation
- the inadequate handling of a prior concern
- general concerns about the safety of a group of children or activity.

Within this Policy, a **Child Safety Incident** is defined as:

- any **child safety concern** where Council personnel, in the course of their work, form a **reasonable belief** that a child or young person has suffered, or is likely to suffer, abuse or harm - whether caused by an adult OR by another child
- any **child safety complaint** against Benalla Rural City Council, including any allegation of Reportable Conduct made against Council personnel (excluding contractors), either within work or outside of work
- any breach of Council's Child Safety and Wellbeing Policy, including the Child Safe Code of Conduct.

The main aims of Council's approach to Child Safety Incidents are ensuring that:

- risks to children's safety are minimised
- incidents where child abuse is either suspected or has occurred are appropriately dealt with on a case-by-case basis by making sure that organisational procedures are followed as per this Policy
- all legislative requirements and Council processes regarding reporting are met as soon as possible
- Council's practices, processes and culture are consistent with legislation, the Standards, and the objective of being a child safe organisation.

Council will take a trauma-informed approach to Child Safety Incidents, that:

- recognises that emotional, physical or sexual abuse and other negative life experiences such as racism or violence constitute a trauma
- understands that the impact of abuse on children can be profound, especially when it occurs at developmentally vulnerable times of their life
- uses strategies to help children participate in complaints processes without causing further trauma
- considers that staff or volunteers may have experienced trauma and provide ways for them to receive support.

The four steps that all Council personnel must follow regarding any child safety incident, allegation, disclosure or reasonable concerns of abuse or neglect, or breaches of policy are outlined in **Appendix 1** of the policy.

7.1 Creating a Child-Focused Complaints Culture

Making a complaint and raising safety concerns can be a difficult and stressful time, particularly for children and young people. Council will ensure a child-focused complaints culture, focusing on children and their safety, reflected in the complaint handling system and being embedded in council policies, procedures, communication strategies and training. This will foster a positive complaints culture:

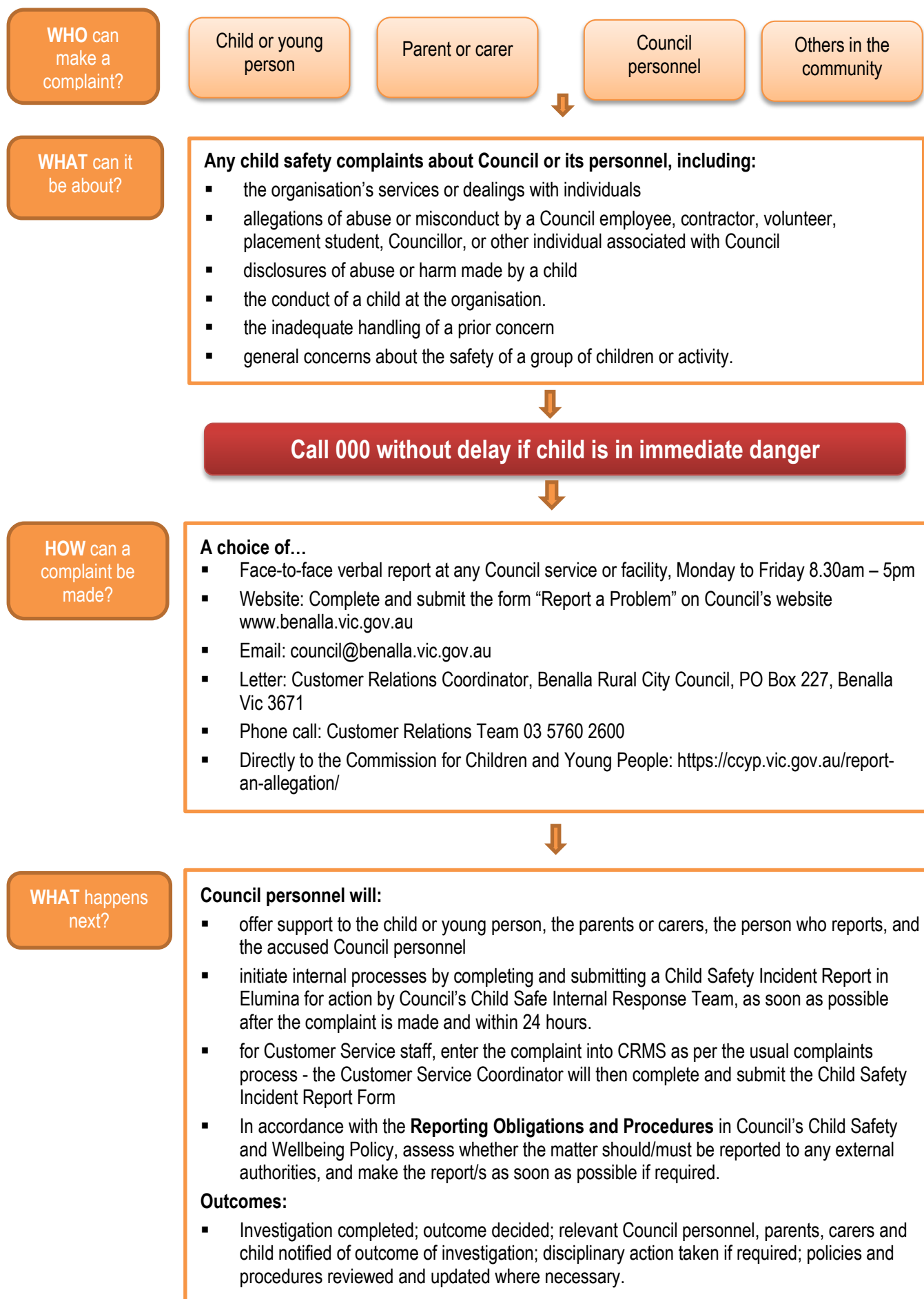
- by demonstrating a practical commitment to children exercising their right to speak up
- by ensuring that children are not only safe, but also feel safe
- where Council leaders actively communicate that complaints are welcome from anyone, are taken seriously, and are a valuable source of information which can help improve the organisation
- by ensuring that when a complaint is raised, the organisation deals with it promptly, thoroughly and fairly.

Council's *Complaints Handling Policy* will be updated to support a positive complaints culture.

Council personnel will support anyone wishing to make a child safety complaint about Council by:

- providing publicly available information about how they can raise child safety complaints about Council, how those concerns will be responded to and investigated, in a manner that is child-friendly, accessible, age-appropriate, and in a range of language and formats as needed
- welcoming and encouraging them to make a complaint, without judgement or dispute
- explaining the different ways that they can submit a complaint, either through Council and/or external authorities, and supporting them to access their preferred avenue
- supporting them to complete the Child Safety Complaints Process summarised on page 10, for example by:
 - providing interpreters or translations
 - assisting them to complete documentation (hard-copy or electronic)
 - explaining that they can remain anonymous if they wish
 - providing a supported handover or referral (where possible / appropriate) when needing to involve another Council employee or an external authority in the complaints process.

Child Safety Complaints Process



8. Roles and Responsibilities

Safeguarding children and young people is a shared responsibility within Council.

It is the responsibility of all Council employees, volunteers, students, contractors and Councillors to create and maintain a child safe culture. Specific responsibilities for each role are outlined in the table below.

Councillors

- Be aware of and comply with their obligations and responsibilities in relation to child safety and wellbeing under the relevant legislation, the *Councillor Code of Conduct* and this *Child Safety and Wellbeing Policy* (including the *Child Safe Code of Conduct*).
- Upon election to Council and then every two years, undertake training/education in relation to child safety and wellbeing, including identifying, preventing and reporting child abuse and harm.
- May choose to obtain a volunteer WWC Check or may be exempt on the basis of being a teacher with the Victorian Institute of Teaching or a Victorian or Australian Federal Police Officer.
- Direct CEO to provide an environment in facilities and activities which Council directly operates and provides activities where children and young people feel safe, empowered and can participate.
- Report all child safety concerns to Council's CEO and provide such assistance as the CEO might require complying with Council's legislative obligations.
- All Councillors are required to report child abuse whether it has or is suspected to have taken place in the home, community or a Council service.
- Where a child is in immediate danger call 000.

Chief Executive Officer (CEO)

The CEO will be notified of all child safe incident reports.

The CEO is responsible for meeting specific obligations under the Reportable Conduct Scheme. These obligations include:

- notifying the Commission for Children and Young People within three working days of becoming aware of an allegation
- membership of the Child Safe Incident (CSI) Group which is established when a moderate or critical incident has occurred: other members will include the relevant IRT member, the manager/s of the department/s involved and the Manager of People and Performance
- investigating any allegations (subject to Police clearance on criminal matters) and notifying the Commission who is undertaking the investigation
- managing any risks to children
- updating the Commission within 30 calendar days, providing information on the reportable allegation and any action taken
- notifying the Commission of investigation findings and any disciplinary actions (or why no action was taken)
- The CEO may also receive reports of suspected incidents of child abuse from Councillors in line with the Child Safe Reporting Process.

Leadership Team

- Strengthen and model Council's child safe culture.
- Ensure appropriate governance structures and resources are in place to fulfil Council's obligations under the Child Safe Standards.
- Ensure regular communication and discussions take place with staff on child safety to build a sense of child safety being everyone's responsibility.
- Ensure the organisation has appropriate policies and procedures in place for the prevention and reporting of child abuse.
- Ensure allegations of child abuse are reported and fully investigated.
- Ensure support is provided for all of Council in undertaking their child safety and wellbeing obligations.
- Promote regular discussion on child safety as being everyone's responsibility.
- Ensure all of Council has access to and are aware of their obligations under the relevant legislation, Code of Conduct and Council's policies and procedures in relation to child safety and wellbeing.
- Take reasonable steps to identify any potential risks to child safety and wellbeing within their department and that these risks are removed or minimised.
- Ensure that all Council staff, volunteers and contractors receive and undertake regular training/education in relation to identifying, preventing and reporting child abuse.
- Ensure that confidentiality and privacy of all personal information is maintained in line with relevant legislation and Council's policies and procedures.

Child Safe Working Group

- Ensure a child safe culture is a key focus and commitment across the organisation through education, communication, advocacy, and review.
- Prepare a Child Safe Policy that identifies Council's role and responsibilities of staff, Councillors, contractors and volunteers and the development of other documents as required.
- Provide strategic guidance to support the implementation of Child Safe Standards.
- Ensure Benalla Rural City Council is at the forefront of being a child safe organisation and reinforcing that child safety is of paramount importance to Council.
- Remain aware of internal and external child safety issues.
- Action findings from child safety reviews or investigations and facilitate changes to relevant Council policies where appropriate.

Supervisors (Team Leaders, Coordinators, Managers)

- Promote regular discussion on child safety as being everyone's responsibility.
- Ensure all of Council has access to and are aware of their obligations under the relevant legislation, Code of Conduct and Council's policies and procedures in relation to child safety and wellbeing.
- Take reasonable steps to identify any potential risks to child safety and wellbeing within their department and that these risks are removed or minimised.
- Ensure that all Council staff, volunteers and contractors receive and undertake regular training/education in relation to identifying, preventing and reporting child abuse.

- Receive and refer any child safety concerns to a member of Council's Child Safe Internal Response Team and/or the relevant authority depending on the urgency of the issue.
- Act to protect a child or young person and initiate internal processes for reporting and/or investigation of allegations, including the disciplinary process if required.
- Ensure that confidentiality and privacy of all personal information is maintained in line with relevant legislation and Council policy.

Child Safe Internal Response Team (IRT) member

- Act as the first point of contact for receiving reports of child safety concerns or allegations of abuse.
- Review any submitted Child Safety Incident Report Form to ensure that the following steps have been completed, and direct the original reporter to complete anything that has been missed or, if not possible/appropriate, do this on their behalf:
 - all reasonable steps have been taken to protect the child/young person from harm, or further harm
 - appropriate care and support have been provided to the child/young person and others involved in the incident
 - all required information is included on the form
 - all legislative requirements and Council processes regarding reporting have been met
- Provide rapid response, and oversight and management of, all potential incidents of Reportable Conduct, including:
 - determining if the allegation meets the criteria for Reportable Conduct under the Reportable Conduct Scheme, and if so, forwarding the report to the CEO immediately
 - managing the investigation of all allegations of Reportable Conduct
 - supporting the CEO to fulfill their obligations under the Reportable Conduct Scheme, including reporting obligations
- Review any child safety incidents and investigations and recommend changes to relevant Council policies where appropriate.
- Provide advice to Council personnel on child safety matters and reporting requirements.
- Support the notification of child safety concerns or allegations to relevant authorities.
- Assist alleged victims and their families to access counselling and support services.
- Source appropriate support to Council personnel who report (or are impacted by) Child Safety Incidents, including offering support via the Employee Assistance Program (EAP) or other appropriate organisations if desired.

People and Performance

Recruitment

- Ensure recruitment practices are conducted in line with requirements under the Victorian Child Safe Standards.
- Place Council's public Statement of Commitment to Child Safety (or a shorter version of it) in all job advertisements, employee position descriptions, and volunteer task descriptions.

- Ensure appropriate child safety checks and screening processes are undertaken prior to offering positions, including National Police Checks and robust referee checks.
- Ensure all Council personnel required to have a current Working With Children Check under this policy have a valid/current appropriate check upon commencement.
- Ensure new Council personnel have access to and are aware of this Child Safety and Wellbeing Policy.
- Ensure all employees and volunteers review and sign acceptance of the Child Safe Code of Conduct on commencing their role within Council.
- Ensure all contractors review and acknowledge acceptance of the Child Safe Code of Conduct at their induction.
- Ensure that new Council personnel are provided with training/education in relation to child safety and wellbeing, including identifying, preventing and reporting child abuse and harm, as part of their induction on commencement.

Training

- Ensure that all Council personnel are provided with this Child Safety and Wellbeing Policy to inform them of Council's expectations, practices and approach in relation child safety.
- Ensure that all Council employees, volunteers and students are provided with training/education every two years in relation to child safety and wellbeing, including identifying, preventing and reporting child abuse and harm.
- Keep records of the completion of child safety training by Council personnel.
- Reflect a culture of child safety in organisational development activities.
- Support staff to build resilience and cope with child abuse incidences, e.g. through Council's EAP counselling service.
- Provide support to Council personnel who report (or are impacted by) Child Safety Incidents, including offering support via the EAP or other appropriate organisations if desired.

Disciplinary Procedures

- Manage Council's disciplinary procedures as they apply to the Child Safety and Wellbeing Policy.

Council employees, volunteers and students

- Be aware of and comply with their obligations and responsibilities in relation to child safety and wellbeing under the relevant legislation and this Child Safety and Wellbeing Policy and the Child Safe Code of Conduct.
- If required under this Policy, ensure that they hold a valid/current/appropriate Working With Children Check and that their details are up to date.
- Upon commencement with Council and then every two years undertake training/education in relation to child safety and wellbeing, including identifying, preventing and reporting child abuse and harm.
- Report all concerns and reasonable beliefs in relation to a child or young person being abused or at risk of being abused in accordance with this Policy .
- Provide an environment where children and young people feel safe, empowered and can participate.
- Take reasonable steps to identify and remove or minimise any potential risks to child safety and wellbeing within their work area.

Contract Managers

- All Council personnel with the responsibility for managing contracts where third parties are engaged to provide services to or on behalf of Council are responsible for ensuring those contractors are:
 - provided with this Child Safety and Wellbeing Policy
 - at induction review and acknowledge acceptance of the Child Safe Code of Conduct
 - compliant with this Policy as part of their contractual agreements with Council - with the exception of items pertaining to the Reportable Conduct Scheme (not applicable to contractors).

Contractors and agency/labour hire workers

- Be aware of and comply with this Child Safety and Wellbeing Policy and the Child Safe Code of Conduct as part of their contractual agreement with Council – except for matters pertaining to the Reportable Conduct Scheme, as individuals employed by contracted organisations are not considered Council employees under the Scheme.
- Keep records regarding Working With Children Checks for relevant workers.

Licence/lease holders

- Lessees / licensees of Council facilities are obligated under the lease / licence to conduct their activities at Council venues in accordance with the Child Safe Standards and keep records of Working With Children Checks for relevant workers and/or volunteers.

Funded organisations (e.g. Council grant recipients)

- Be aware of and comply with this Child Safety and Wellbeing Policy and the Child Safe Code of Conduct as part of their funding agreement with Council – except for matters pertaining to the Reportable Conduct Scheme, as individuals employed by funded organisations are not considered Council employees under the Scheme.

9. Recruitment, Support and Training

Council carefully chooses employees, contractors, and volunteers to fit the Child Safe culture of the organisation. Council includes Child Safety in all job advertisements and requires all new employees to go through pre-employment screening, including referee checks, police checks and a Working with Children Check before starting at Council.

Council will ensure all employees, contractors, and volunteers know how to act around children and young people and what is expected of them. Council provides training on how to keep children safe, including how to be safe with children from different cultures and backgrounds, with disabilities, and who are part of the LGBTQI+ community.

All employees and volunteers must take online training on child safety as soon as they start working with Council and every two years after that. Employees who work with children must also take additional training on Child Protection and Mandatory Reporting as is relevant to their role.

Employees and volunteers who work with children must attend workshops to learn about different types of abuse, Council's Child Safety Policy, reporting, and record-keeping. These workshops help employees and volunteers know what to look for and how to support

children who may be at risk of abuse or harm. Ongoing supervision and support are also provided to these staff.

Council makes sure all employees and volunteers know about the child safety reporting process. This helps make sure Council is keeping children and young people safe in all its programs and services.

10. Governance

Council's CEO and Leadership Team lead a child safe culture and ensure all Councillors, employees, contractors, volunteers and contracted organisations are supported in undertaking their roles and responsibilities in a safe and transparent manner. Child safety is an integral part of the organisational strategy and continuous improvement.

The Child Safe Working Group was established as an internal advisory group and includes members from all Council departments. The group's Terms of Reference sets out the governance role around the implementation of the Victorian Child Safe Standards and the Reportable Conduct Scheme. The group assists Council identify ways to strengthen child safety within the organisation and ensures Council leadership remain aware of the implementation of the Standards and the Scheme.

11. Risk Management

Council recognises the importance of a risk management approach to minimising the potential for child abuse or harm to occur and use this to inform our policies, procedures and activity planning. Council has a Risk Management Policy and Framework under which it undertakes a systematic approach to identifying events that could prevent, delay or enhance the achievement of strategic and operational objectives. Child safety risks will be considered in the context of this Framework.

12. Review

This Policy will be reviewed according to Council's compulsory policy review cycle of four years. It may be reviewed at any time by Council to accommodate changes in legislation, regulations, policy gaps, new technology or systems, as well as remain consistent with industry best practice.

References

Commission for Children and Young People, *A Guide for Creating a Child Safe Organisation*

Commission for Children and Young People, *Reportable Conduct Scheme*, available at <https://ccyp.vic.gov.au/reportable-conduct-scheme/>

Commission for Children and Young People, *Child Safe Standards*
<https://ccyp.vic.gov.au/child-safe-standards/the-11-child-safe-standards/>

Municipal Association of Victoria, *Child Safe Standards, MAV Practice and Resources Guide*

Australian Institute of Family Studies, *Child safe organisations: information for organisations on how to keep children safe*

National Office for Child Safety, *Keeping Our Kids Safe: cultural safety and the National Principles for Child Safe Organisations*

Definitions

Aboriginal

The term Aboriginal in this Policy is inclusive of Aboriginal and Torres Strait Islander peoples.

Child or young person

In this Policy the term child or young person includes children and young people under the age of 18 years.

Child abuse

Child abuse is defined in the *Child Wellbeing and Safety Act 2005 (Vic)* as including:

- a sexual offence committed against a child
- an offence committed against a child under section 49M(1) of the Crimes Act 1958 (Vic), such as grooming
- physical violence against a child
- causing serious emotional or psychological harm to a child
- serious neglect of a child.

Child-related work

Under the *Worker Screening Act 2005*, 'child-related work' is work in either a voluntary or paid capacity, that usually involves direct contact with a child, at a place or involving an activity listed in the Act, including:

- Camps
- Child care services
- Child employment -supervisors
- Child minding
- Child protection services
- Children's services
- Clubs and associations
- Coaching and tuition
- Counselling services
- Educational institutions
- Entertainment & party services
- Foster care
- Gym or play facilities
- Kinship care
- Out-of-home care services
- Paediatric wards
- Photography services
- Refuges
- Religion

- School crossings
- Student exchange programs / homestay arrangements
- Talent and beauty competitions
- Transport.

Full definitions of these are provided at the [Working with Children Check Victoria website](#).

Child safe culture

A child safe culture means an organisation has shared attitudes, values, policies and practices that prioritise the safety of children.

Child safe organisation

A child safe organisation is one that creates a culture, adopts strategies and takes action to promote child wellbeing and prevent harm to children and young people.¹

A child safe organisation consciously and systematically:

- creates an environment where children's safety and wellbeing are at the centre of thought, values and actions
- places emphasis on genuine engagement with and valuing of children and young people
- creates conditions that reduce the likelihood of harm to children and young people
- creates conditions that increase the likelihood of identifying any harm
- responds to any concerns, disclosures, allegations or suspicions of harm.

Child Safe Standards

The Victorian Child Safe Standards are a compulsory framework that support organisations to promote the safety of children by requiring them to implement policies to prevent, respond to and report allegations of child abuse and harm. New updated Standards were released by the Victorian Government in 2021 and apply from 1 July 2022.

Child safety

In the context of the Child Safe Standards, 'child safety' means measures to protect a child from child abuse or harm.

Child Safety and Wellbeing Policy

A Child Safety and Wellbeing Policy clarifies the organisation's expectations about child safety and wellbeing systems and practices and how the organisation is meeting the Standards. The policy holds staff and the organisation to account and may include statements to children, families, staff, volunteers and the community that an organisation is committed to child safety and wellbeing, as well as describing how that commitment will be met.

Internal Response Team (IRT) member

A Child Safe Internal Response Team member is a person that people within the organisation's community can go to with any child safety concerns or complaints. Their contact details are widely advertised around the organisation.

Communities

Communities means a group of people with whom a child shares common interests, experiences, social background, nationality, culture, beliefs or identity.

Council personnel

Includes Council employees (ongoing and casual), volunteers, students on placement with Council, contractors and agency staff engaged by Council, and Councillors.

Cultural rights

Cultural rights are the rights of each child (either individually or as part of a group of people) to develop and express their background, customs, social behaviour, language, religion or spirituality, beliefs and way of living.

Aboriginal people have distinct cultural rights to enjoy their identity and culture; maintain the use of their language; maintain their kinship ties; and maintain their relationship with the land, waters and other resources with which they have a connection under traditional laws and customs.

Cultural safety

Cultural safety is the positive recognition and celebration of cultures. It is more than just the absence of racism or discrimination and more than 'cultural awareness' and 'cultural sensitivity'. It empowers people and allows them to contribute and feel safe to be themselves.

Culturally and linguistically diverse

Culturally and linguistically diverse is a broad and inclusive term for communities with diverse language, ethnic background, nationality, dress, traditions, food, societal structures, art and religion characteristics.

Direct contact

Any contact between a person and a child that involves:

- physical contact; or
- face to face contact; or
- contact by post or other written communication; or
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

Disability

Disability means:

- the total or partial loss of a body part or a bodily function (such as mobility, sight or hearing)
- the presence in the body of organisms that may cause disease
- malformation or disfigurement
- a mental or psychological disease or disorder
- learning difficulties.

Disability may be permanent, non-permanent or an increased chance of developing a disability in future. Disability also includes behaviour that may be a symptom or expression of disability even if that disability is not formally diagnosed.

Disclosure

A disclosure in the context of child safety is the process by which a child conveys or attempts to convey that they are being, or have been, abused. Disclosure can be verbal, non-verbal or indicated through behaviour. A disclosure may be accidental or intentional, partial or complete and victims may disclose in different ways to different people throughout their lives.

Adults may also convey that they were abused as a child or that they may have perpetrated abuse.

Duty of care

Council has a duty of care that is reasonable to prevent the abuse of a child by an individual associated with Council while the child is under Council's care, supervision, or authority.

Empowerment

Empowerment is building up children and strengthening their confidence in themselves and in an organisation. It involves equipping children with the skills and knowledge to make informed decisions and enabling them to increase control of their lives.

Equity

Equity is a state of fairness in which all children are equal and can participate fully and safely in an organisation, regardless of their background, characteristics or beliefs. This requires that organisations understand that some children have different needs and may require different supports or assistance to feel safe, well and to participate fully.

Families

Families means people who make up the family unit for a child. Families may be made up of a wide variety of relationships, including those who are related by blood, marriage, adoption, kinship structures or other extended family structures. Families may include people who share in the daily tasks of living or share a very close, personal relationship.

Governance

Governance is an organisation's leadership, oversight and accountability processes. Governance includes an organisation's rules as to who has the authority to make decisions, how decisions should be made and monitored and how people are to be held to account.

Harm

Harm is damage to the health, safety or wellbeing of a child, including as a result of child abuse by adults or the conduct of other children. It includes physical, emotional, sexual and psychological harm. Harm can arise from a single act or event and can also be cumulative, that is, arising as a result of a series of acts or events over a period.

Human rights

Human rights refer to all the rights of children, including those in the Universal Declaration of Human Rights, the *United Nations Convention on the Rights of the Child* and the *Charter of Human Rights and Responsibilities Act 2006* (Vic). Rights include a child's right to safety, information and participation in an organisation.

Inclusive environment

Organisations with an inclusive environment:

- value all children
- respect their rights
- challenge all forms of discrimination
- understand and respond to the needs and capabilities of all children and their families, including Aboriginal children and their families
- adjust their approaches to ensure all children feel safe, welcome and can participate.

Internal Response Team (IRT) member

A Child Safe Internal Response Team member is a person that people within the organisation's community can go to with any child safety concerns or complaints. Their contact details are widely advertised around the organisation.

Mandatory reporting

In accordance with the *Children Youth and Families Act 2005 (Vic)*, the legal obligation of certain groups of people to report a reasonable belief of child physical or sexual abuse to child protection authorities.

Online environments

Online environments are any technological platforms which an organisation uses or controls, such as computers, phones, websites, intranet, social media and video conference facilities regardless of where such platforms may be accessed by children.

Organisational culture

Organisational culture is the system of shared assumptions, values and beliefs that influence the way people behave in an organisation, and how these factors contribute to the organisational environment.

Participation

Participation refers to opportunities for children to have their say and to inform decision-making. This includes engaging children in conversation where ideas are shared. This requires organisations to listen, to hear and to make appropriate changes based on what children share.

Physical environments

Physical environments are the physical places where an organisation operates or conducts activities, such as a building, facility or space and includes physical environments operated by third parties.

Policies

Policies are the documented rules, expectations and positions of the organisation.

Position of Authority

Someone who has the power or responsibility to reduce or remove a substantial risk of sexual abuse, knows about the risk of sexual abuse of a child under their care, but does not act to protect the child.

Practices

Practices are the rules, expectations, actions or processes that are commonly or usually done by, or within, the organisation, regardless of whether those rules, expectations, actions or processes are written down.

Procedures

Procedures are the documented actions and processes that put into operation the organisation's policies.

Processes

Processes are a systematic series of actions directed at achieving a particular outcome.

Reasonable belief

A belief is considered 'reasonable' if a reasonable person, doing the same work, would have formed the same belief on those grounds. It does not require proof. A reasonable belief may be formed through disclosures, observations or other information of which a person has become aware.

Regulator

A regulator is an organisation that enforces the Standards and helps you to follow the rules. Regulators provide information and guidance to organisations to help them comply with the Standards. They also have legal powers to hold organisations to account if they are not complying with the Standards.

Reportable allegation

In accordance with the definition provided in the *Child Wellbeing and Safety Act 2005 (Vic)*, any information that leads a person to form a reasonable belief that an employee has committed Reportable Conduct, or misconduct that may involve Reportable Conduct, whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.

Reportable conduct

In accordance with the definition in the *Child Wellbeing and Safety Act 2005 (Vic)*, one or more of the following:

- sexual offences committed against, with or in the presence of a child
- sexual misconduct committed against, with or in the presence of a child
- physical violence against, with or in the presence of a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

Risk

In the context of the Child Safe Standards, risk is exposure to the chance for harm or abuse of a child to occur in connection with an organisation.

Risk management

Risk management involves identifying, preventing and minimising risk as much as is reasonably possible.

Supervision

Supervision, in reference to staff and volunteers, refers to an organisation's oversight of the conduct of staff and volunteers. Supervision may include providing staff and volunteers with resources, training and support as well as monitoring their conduct.

Supervisor

Employees with supervisory responsibilities - the person to whom another employee reports (according to the reporting employee's position description). The Supervisor can be any position responsible for supervising employees, however titled.

Systems

Systems, in the context of child safety, is a broad term used to describe related or coordinated procedures or processes of the organisation, which work together towards preventing, responding to and reporting of allegations of child abuse and harm.

Volunteer

Volunteer means any person engaged by or a part of an organisation who provides a service without receiving a financial benefit, regardless of whether their role relates to children. There is no minimum period of engagement to be considered a volunteer.

Wellbeing

Wellbeing is a positive state of physical, mental and emotional health. It generally means feeling safe, happy and healthy more than momentarily.

Working With Children Check

A Working With Children Check is the process whereby an assessment is undertaken by the issuing authority (Department of Justice and Community Safety) to determine whether a person is suitable to work in child-related work.

Appendix 1 – Child Safety Incident Procedure

The four steps that all Council personnel must follow regarding any child safety incident, allegation, disclosure or reasonable concerns of abuse or neglect, or breaches of policy are:

- 1. Responding**
- 2. Reporting**
- 3. Sharing of Information**
- 4. Supporting**

Responding

Immediate responses must ensure the safety of children and young people, Council personnel and members of the public. Reduce the harm and risk to those impacted by the incident by:

- calling 000 if required
- making the surroundings safe to prevent immediate recurrence of the incident, by removing potentially harmful person(s), increasing supervision of children, moving other children to a safe place, alerting others to risks that extend beyond the local environment for example, other areas within Council
- provide immediate care to the child or young person and others involved in the incident by addressing; physical and emotional well-being, arranging for coverage of duties and supervision; facilitating access to counselling Employee Assistance Program (EAP).

Responding to a disclosure/allegation

When responding to a disclosure or allegation by a child or young person, Council personnel will respond by:

- listening to the allegation or disclosure supportively, without dispute
- clarifying the basic details, without seeking detailed information or asking suggestive or leading questions
- providing reassurance that the child or young person has done the right thing in telling you, that they are believed, and immediate action will be taken in response to the disclosure/allegation
- explaining to the child or young person that other people may need to be told, in order to stop what is happening. Do not promise to keep any information a secret
- reporting the matter as per organisational policy requirements to a member of the Internal Response Team (IRT)
- recording notes as early as possible to ensure all information is captured before completing Council's Child Safe Incident Report on Elumina.

In responding to the child or young person their specific needs will need to be considered e.g. the unique qualities of a child including, for example, whether the child is Aboriginal or Torres Strait Islander, has a disability, identifies as LGBTQI+, has a culturally and linguistically diverse background and/or is unable to live at home.

Even if there is no immediate response required, any event of disclosure or allegation by a child or young person must be reported and documented as with all other incidents.

Reporting

Following the immediate response, Council personnel will report Child Safety Incidents by:

- following the **Child Safety Incident Reporting Process for Council Personnel** on page 13
- fulfilling the relevant **Reporting Obligations and Procedures** detailed below.

Reporting Obligations and Procedures

Any Council staff or volunteer must report Child Safety Incidents each time they become aware of abuse or harm. Internal and external reporting processes must be completed as described in this Policy.

Internal Reporting

Council personnel must report **ALL Child Safety Incidents** internally by:

- notifying a member of the Internal Response Team verbally immediately/as soon as possible
- completing a **Child Safety Incident Report** in Elumina within 24 hours of the incident.

If Council personnel become aware of a Child Safety Incident via Council's Customer Complaints Process or any other complaints process, they must complete a Child Safe Incident Report in Elumina by transferring the information contained within the complaint to that form and providing any other relevant information available and submit it as above.

Child Safety Incident Reporting Process for Council Personnel

WHO must report?

Employees

Contractors

Volunteers

Students

Councillors



WHAT to report?

Any Child Safety Incident (i.e. all child safety concerns or complaints), including:

- direct or indirect disclosure of child abuse or harm (i.e. sexual, physical, emotional, psychological, neglect, grooming or exposure to family violence)
- allegation, suspicion or observation of child abuse or harm
- breach of Council's Child Safety and Wellbeing Policy, including the Child Safe Code of Conduct
- Child safety complaints against Council or its personnel
- environmental risks that could increase the likelihood of abuse occurring.



Call 000 without delay if child is in immediate danger



HOW to report?

Notify a member of Council's Child Safe Internal Response Team (IRT) verbally as soon as possible to:

- determine what **immediate action** needs to take place to protect the child or young person from harm (or further harm), including whether the Police or Child Protection need to be contacted ASAP;
- start completing a **Child Safety Incident Report Form** in Elumina, which will provide guidance on whether a report also needs to be made to any external authorities;
- decide if **further advice** is needed about how to proceed.

If further advice is needed **during business hours**, contact a member of Council's Child Safe IRT, who are suitability trained and experienced staff that can provide advice on child safety matters and reporting requirements. They are:

- Manager of People and Performance - 5760 2661
- Manager of Community - 5761 2210
- Manager of Facilities and Information Technology - 5760 2689
- Manager Assets and Infrastructure - 5760 2695

OR if **after hours**, contact your Manager or another appropriate senior Manager.

THEN:

- Report the incident to all required **external authorities** as guided by the Child Safety Incident Report Form - **EXCEPT** for Reportable Conduct notifications to the Commission for Children and Young People, which must be done by the CEO.
- Complete and submit the **Child Safety Incident Report Form** in Elumina for action by Council's Child Safe Internal Response Team (including details of all external reports made) no more than 24 hrs after incident.

External Reporting

Council has external reporting requirements, including legal reporting obligations.

External reporting obligations vary depending on the nature and circumstances of the Child Safety Incident. The reporting obligations and procedures for different types of Child Safety Incidents are summarised in the table below.

All Reportable Conduct incidents that require external authority notification to the Commission for Children and Young People must be reported to the CEO. External notifications required by organisational policy and governing legislation must be initiated by a member of the Internal Response Team (IRT).

External Reporting Summary Table

Type of Child Safety Incident	Reporting Obligations and Procedures
Physical abuse (against or in the presence of a child)	Report to: <ul style="list-style-type: none">a member of Council's Child Safe Internal Response Team, verbally and as soon as possible and submit a Child Safety Incident Report in Elumina. AND <ul style="list-style-type: none">Child Protection (Department of Fairness, Families and Housing), if the child or young person has suffered or is likely to suffer significant harm as a result of the abuse. AND <ul style="list-style-type: none">Victoria Police, if:<ol style="list-style-type: none">the child or young person is in immediate danger; and/oralleged or suspected criminal conduct has occurred, such as physical or sexual abuse (including grooming) of children, or family violence; and/oryou have a reasonable belief that an adult has committed or attempted a sexual offence (including grooming) against a child under 16 years of age.
Sexual abuse (against or in the presence of a child, including attempted)	
Grooming (criminal offence)	
Emotional or psychological abuse	Report to: <ul style="list-style-type: none">a member of Council's Child Safe Internal Response Team, verbally and as soon as possible and submit a Child Safety Incident Report in Elumina. AND <ul style="list-style-type: none">Child Protection (Department of Fairness, Families and Housing), if the child or young person has suffered or is likely to suffer significant harm as a result of the abuse or neglect. AND <ul style="list-style-type: none">Victoria Police, if the child or young person is in immediate danger.
Neglect	
Reportable conduct	If the alleged perpetrator is a Council employee, volunteer, student or Councillor , the abuse or harm may constitute Reportable Conduct under the Reportable Conduct Scheme. In these situations, you must still complete the above reporting requirements and processes. The Child Safety Internal Response Team will support the CEO to fulfil the additional organisational reporting obligations under the Reportable Conduct Scheme, including notifying the Commission for Children and Young People. These reporting obligations must be undertaken by the CEO, not other Council personnel.
Failure to disclose (criminal offence)	Report to: <ul style="list-style-type: none">a member of Council's Child Safe Internal Response Team, verbally and as soon as possible and submit a Child Safety Incident Report in Elumina. AND <ul style="list-style-type: none">Victoria Police.
Failure to protect (criminal offence)	

Reporting Child-on-Child Sexual Abuse

Child-on-child sexual abuse is a serious and complex issue that may require police and Child Protection (DFFH) intervention and or other additional support services for all children/young people involved.

Where child on child abuse should be reported or referred to will depend on the particular circumstances of the event and the children and/or young people involved.

Council personnel should speak with a member of the Internal Response Team to determine if there is a case of reportable abuse, and if so where to direct the report.

Key Reporting Contacts

Internal Response Team:

- Manager People and Performance
03 5760 2661

Manager Community
03 5761 2210
- Manager Facilities and Information Technology
03 5760 2689
- Manager Assets and Infrastructure
03 5760 2695

External departments

- Department of Fairness, Families and Housing
1300 360 391
After hours - 13 12 78
- Benalla Police
03 5760 0200
- Victorian Commission for Children and Young People
1300 782 978

Sharing Information

When an incident is reported, where appropriate, information will be shared with the child or young person, their family, and relevant Council personnel as soon as possible. The process will meet the needs of the parties involved and any investigation requirements.

Council will maintain confidentiality and privacy for all parties, except if doing so would pose a risk to the child or young person's safety or the investigation. If the incident requires reporting to external agencies, Council will consult with Child Protection or police to determine what information can be shared with parents/caregivers.

The decision to share information will take into account the safety of those involved, the advice of police and Child Protection, the rights of those impacted to privacy and confidentiality, and the need for those impacted to know about the incident.

If an incident needs to be reported to external agencies, Council personnel will consult with Child Protection and/or police to determine what information can be shared with parents/caregivers. This can include:

- not contacting the parents/care givers in circumstances where they have been alleged to have been engaged in the abuse, or, the child is a mature minor and does not wish their parent/care giver to be contacted
- contacting the parents/care givers and provide agreed information as soon as possible.

Police and/or child protection will be consulted about the disclosing of information to the child/young person, their families and Council personnel.

The decision to share information will consider:

- whether the ongoing safety of those involved in or impacted by the incident is compromised by the sharing or non-sharing of information
- the advice of police and child protection (care will be taken not to compromise their investigations)
- the rights of those impacted by the incident to privacy, confidentiality, procedural fairness and a presumption of innocence in accordance with Council's policies and employment law, and;
- the need (of those potentially impacted by the incident) to know of the incident.

Support

Supporting the needs of those impacted by the incident should include considerations of cultural safety for:

- the child/young person and their family (this includes any specific support needs for those from an Aboriginal and Torres Strait Islander; Culturally and Linguistically Diverse; or person with a disability background; LGBTQI+, or a child or young person who is unable to live at home)
- other children or young people as witnesses to incident
- Council personnel who witness and/or reported the incident
- any staff or volunteer, councillor or contractor against whom a complaint is made, for example, offering EAP
- other staff or volunteer, councillor or contractor impacted by the incident.

All other staff or volunteer or contractor who are aware of the incident note that:

- any allegation does not mean the person is guilty, and that the allegation will be properly investigated and will include the right to 'procedural fairness'; and
- they are not to discuss the matter with any person, except as directed by police, child protection authorities and/or Benalla's Internal Response Team member and only in direct relation to investigation of the allegation.
