



Ararat Rural City

Child Safe Policy

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Stakeholder Engagement:
Chief Executive Officer
Governance & Administration Coordinator

INTENT

Ararat Rural City Council (Council) is committed to creating and maintaining a child safe organisation where protecting children and preventing and responding to child abuse is embedded in the everyday thinking and practice of all Councillors, employees, contractors and volunteers.

This policy reflects Council's intentions in meeting the requirements of the Victorian Child Safe Standards. Council is in a unique position to be an industry leader that models good practice and processes in keeping children safe from harm or abuse.

This policy provides information and guidance to all levels of Council and requires all Councillors, employees, contractors and volunteers to commit to the active creation, demonstration and maintenance of a child safe community.

In 2015, the *Child Wellbeing and Safety Act 2005 (Vic)* was amended to include the Child Safe Standards. The Victorian Child Safe Standards (the Standards) are a compulsory framework that support organisations that provide services to children to implement policies and procedures that prevent, respond to and report allegations of child abuse.

The Child Safe Standards are underpinned by the understanding that all children are vulnerable. However, three overarching principles require organisations to consider the increased vulnerability of:

- The cultural safety of Aboriginal children;
- The cultural safety of children from culturally and/or linguistically diverse backgrounds; and
- The safety of children with a disability.

Council will consider each principle in the implementation and design of the services provided to the community. The Standards are:

1. Strategies to embed an organisational culture of child safety, through effective leadership arrangements;
2. A Child Safe Policy or Statement of Commitment to Child Safety;
3. A Code of Conduct that establishes clear expectations for appropriate behaviour with children;
4. Screening, supervision, training and other human resource practices that reduce the risk of child abuse by new and existing personnel;
5. Processes for responding to and reporting suspected child abuse;
6. Strategies to identify and reduce or remove risks of child abuse; and
7. Strategies to promote the participation and empowerment of children.

In 2017, the *Child Wellbeing and Safety Act 2005 (Vic)* was amended to give power to the Commission for Children and Young People (CCYP) to oversee the Reportable Conduct Scheme. The Reportable Conduct Scheme began on 1 July 2017, with Council coming into scope of the scheme on 1 January 2018. The Scheme:

- Requires organisations to respond to allegations of child abuse made against their workers and volunteers, either within work or outside of work, and to notify the CCYP of any allegations.
- Enables the CCYP to independently oversee those responses;
- Facilitates information sharing between organisations, their regulators, Victoria Police, the Department of Justice and Community Safety and regulates the Working with Children Check Unit and the CCYP.

Councillors and Council officers are not expected to become child safety experts or have all the answers to child safety issues they may encounter. However, they are expected to have an awareness of, and understanding of their legal, and duty of care obligations in reporting alleged child abuse and neglect. This policy is intended to operate in conjunction with the mandatory reporting requirements which apply to some groups of employees at Council.

POLICY

The Child Safe Policy communicates Council's commitment to keeping children and young people safe. Council is in a very unique position of being able to provide a framework for safety around one of our most vulnerable groups, children. We all have a role to play in keeping our community children and young people safe from harm and abuse.

Statement of Commitment

All children and young people who attend services, programs, and events delivered by, and in spaces owned or managed by Council, have the right to feel and be safe. The wellbeing and safety of children and young people in our care will always be our priority.

Council has a zero tolerance to child abuse and is committed to creating and maintaining a child safe and friendly organisation where all children are valued and protected from abuse.

Council is committed to creating and maintaining a child safe organisation where protecting children from abuse is embedded in the everyday thinking and practice of Council, its employees, contractors and volunteers.

Children have the right to speak and be heard

Council encourages the voices of children in our organisational planning, delivery of services, programs and events, procedures, and management of facilities where they are directly affected. Our priority is to involve children in opportunities to influence matters that affect them as active community members.

Diversity and Inclusion

Council is committed to creating an inclusive, safe and connected community for children and young people. Diversity recognises the differences between people and how they identify themselves, and inclusion occurs when all children and young people feel valued and respected, have access to opportunities and resources and can contribute to their community.

An inclusive approach recognises that children and young people have different needs, characteristics and life experiences and, although there are similarities within groups, no one child's experience is the same, and therefore stereotypes should be avoided.

Councillors, Employees, Contractors and Volunteers

Council has clear and well-established behavioural expectations of all Councillors, employees, contractors and volunteers who work or interact with children.

The Chief Executive Officer is responsible for appointing, directing and managing employees, contractors and volunteers.

Councillor Code of Conduct

All Councillors at the beginning of their term must agree to the Councillor Code of Conduct which outlines their expected behaviours to the community and to each other. The Code applies to all Councillors and relates to the performing of Council powers, duties and function and all the various forms of decision-making processes.

Staff Code of Conduct

All employees and volunteers of Council are responsible for ensuring the safety, participation, wellbeing and empowerment of children whilst undertaking their roles. All employees, contractors and volunteers are made aware of and must abide by Council's Staff Code of Conduct agreement.

Human Resources and Recruitment

Council applies best practice standards in the recruitment and screening of employees and volunteers. Interviews and referee checks are conducted on all potential employees along with Police Checks and Working with Children Checks for relevant positions.

Our organisation understands that when recruiting, we have ethical and legislative obligation to comply with all relevant regulatory and legal requirements to ensure Council's employees, volunteers and customers are not placed under unreasonable risk.

Support and Training

Council is responsible for ensuring that appropriate behaviour is clearly defined, and expectations are accessible and understood by all employees, contractors and volunteers.

Council will appropriately inform, and/or provide training for Councillors, employees, contractors and volunteers on child safety.

All Councillors, employees and volunteers are assigned the compulsory online (face-to-face for those without computer access) Child Safe Standards training to complete as part of their induction to Council. Further Child Safe Standards workshops are provided to employees and volunteers who undertake child-related work. These workshops can include training in abuse types, understanding the Child Safe Policy and Councillors and/or Staff Code of Conduct, disclosures and reporting obligations.

Refresher Child Safe Standards training will be implemented with employees and volunteers every two years. Ongoing supervision and support are also provided to employees and volunteers to increase their capacity to establish and maintain a culture of child safety.

Council ensures all employees and volunteers are aware of the established Child Safe Reporting Process to ensure the implementation of child safe practices with children and young people across the organisation.

Reporting & Responding to a Child Safety Concern

Council is committed to complying with all legal requirements regarding child safety concerns and where an alleged/suspected incident occurs. Structured reporting and responding processes that protect and support the health and wellbeing of children are provided.

All allegations of abuse are taken seriously and will be investigated fairly and appropriately. All reports of allegations and child safety concerns will be recorded and stored securely in accordance with Council's Managing Alleged Child Abuse and Child Safety Concerns Procedure.

It is important to note that the child safe standards and the reportable conduct scheme complement, but do not replace existing mandatory reporting (child protection) requirements.

Legislative Requirements

Council has implemented procedures to ensure all Councillors, contractors, employees and volunteers are aware of both their own, and the organisations legal obligations in relation to reporting child abuse. This includes, through this policy understanding the following legislation:

- Failure to disclose;
- Failure to protect;
- Mandatory reporting; and
- Grooming.

Mandatory Reporting (Child Protection)

Mandatory reporting describes the legal obligation of certain professionals and community members, or mandated reporters, to report incidences of child abuse and neglect to Child Protection Services with the Department of Health and Human Services (DHHS).

Mandatory reporters must make a report if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child is in need of protection and the child's parents are unable or unwilling to provide that protection. A report must be made to Child Protection immediately. Mandatory reporters cannot outsource their legal responsibility to another person and must make a report on each occasion they become aware of any further grounds to their belief. A mandatory reporter can be fined and/or imprisoned if they fail to make a report to Child Protection.

Mandated Reporters

Under section 182(1) of the *Children Youth and Families Act 2005*, mandatory reporters within Council are:

- Maternal and Child Health Nurses.

Non-mandated Reporters

All other Council officers who form a reasonable belief that a child has suffered abuse or neglect or is likely to suffer abuse or neglect by a person over the age of 18, have an ethical and professional duty to report their concerns to Child Protection. This must be done as soon as a belief is identified.

Council's Managing Alleged Child Safety Concerns procedure outlines:

- If a Councillor, employee, contractor or volunteer becomes aware of an incident or allegation of abuse, the first responsibility is to ensure that the child/ren are safe, and the risks of further abuse or harm are mitigated. If the incident or allegation of abuse could involve criminal conduct, the matter must be immediately reported to Victoria Police. If there is any immediate risk to a child or children, then the Councillor, employee, contractor or volunteer should immediately call 000. If a reasonable belief is formed by a Councillor, employee, contractor or volunteer that a child is in need of protection, notifications will be made to either the Police or Child Protection;
- All reports of child abuse will be treated as serious, whether they are made by an adult or a child;
- When an allegation of child abuse is received, all mandatory reporting requirements must be met, including reporting to:
 - Police;
 - Department of Health and Human Services;
 - The Commission for Children and Young People under the Reportable Conduct Scheme; and
 - Other government departments or regulators as appropriate.

If children, young people, families, Councillors, employees, contractors or volunteers have concerns regarding the organisation's leadership in relation to child safety, they can report these concerns under the Reportable Conduct Scheme.

Support

Where appropriate, following a child safety concern, Council will:

- Assist alleged victims and their families to access counselling and support services; and
- Provide support to affected staff through Council's Employee Assistance Program.

Privacy and Record Keeping

Council is committed to protecting an individual's right to privacy. Where there is no legislative requirement to disclose, all personal information considered during the process of a report or investigation, will be dealt with in accordance with Councils Privacy, Data Protection and Health Records Policy.

Breaches

Council will enforce this policy and the relevant Councillor and Staff Codes of Conduct. Following any breaches by employees, contractors or volunteers, Council will follow the Performance Management / Disciplinary Policy, which may include suspension, termination of employment and/or referral to Victoria Police.

Councillors will be dealt with under their disciplinary procedure.

ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department or officer and minor updates to legislation which do not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

TERMS/DEFINITIONS

| Term | Definition |
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| Aboriginal & Torres Strait Islander Child | A person under the age of 18 who identifies as Aboriginal and/or Torres Strait Islander. |
| Abuse | Abuse is an act or acts which endangers a child's health, wellbeing and/or development. It can be a single event or a series of traumatic events. It includes: <ul style="list-style-type: none"> • Physical abuse; • Sexual abuse; • Emotional abuse; • Cumulative harm; • Exposure to family violence; • Neglect; • Grooming; or • Multi-dimensional harm. |
| Councillors | Means the individuals holding the office of a member of Ararat Rural City Council. |
| Council Officer | Means the Chief Executive Officer and employees of Council appointed by the Chief Executive Officer. |
| Child or Children | Means any child or young person under the age of 18 years. |
| Child Related Work | Work within one or more of the occupational fields defined in the <i>Working with Children Act 2005</i> where the contact with children is direct, unsupervised, and part of a person's duties, not incidental to their work. |
| Child Safe Organisation | In the context of the child safe standards; a child safe organisation is one that takes deliberate steps to protect children from abuse. This commitment to protecting children must be embedded in an organisation's culture and policies. |
| Cultural Safety for children from culturally and/or linguistically diverse backgrounds | A child or young person who identifies as having a particular cultural or linguistic affiliation by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of their parents' identification on a similar basis. |
| Children with a disability | Use of the term 'disability' is consistent with that in the <i>Disability Act 2006</i> . In relation to a child, the use of the word 'disability' incorporates any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child's ability to undertake everyday activities. A disability can occur at any time in life. Children can be born with a disability or acquire a disability suddenly through an injury or illness. Some disabilities may be obvious while others are hidden. |
| Child Safe Standards | In 2015, the <i>Child Wellbeing and Safety Act 2005</i> was amended to include Child Safe Standards. The standards are designed to drive cultural change and embed the practice of protecting children into the everyday thinking of an organisation. |
| Cultural Safety of Aboriginal & Torres Strait Islander children | Aboriginal or Torres Strait Islander children are given the opportunity to be connected to culture and provided with a safe, nurturing and positive environment where they are comfortable with being themselves, expressing their culture, their spirituality and belief systems. |
| Cultural Safety for children from culturally and/or linguistically diverse backgrounds | An environment which is spiritually, socially and emotionally safe, as well as physically safe for children; where there is no assault, challenge or denial of their cultural or linguistic identity, or who they are and what they need. |
| Duty of Care | The obligation of Council employees, contractors and volunteers to take reasonable steps to protect children in their care from the risks of injury that are reasonably foreseeable. |
| Employee/staff | Directly employed individual including but not limited to agency appointments, and those staff on short- and long-term employment agreements. |
| Failure to disclose | As defined in the <i>Crimes Act 1958 (Vic)</i> (S.327), a failure to act on the legal obligation upon all adults to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult (18 years and over) against a child under the age of 16 (16 being the legal age of consent). |
| Failure to Protect | As defined in the <i>Crimes Act 1958 (Vic)</i> (S.490), a person with power and authority who fails to protect a child from criminal sexual abuse, they know of the risk of abuse, and are able to reduce or remove the risk but fail to do so. |

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| Grooming | As defined in the <i>Crimes Act 1958 (Vic) (S.49M)</i> , the act of communication, including online communication, with a child under the age of 16 or their parents with the intent of committing child sexual abuse. This includes predatory conduct undertaken to prepare a child for sexual abuse at a later time with the groomer (aged 18 years old or over) or another adult. |
| Mandatory Reporting | The legal obligation under the <i>Children Youth and Families Act 2005</i> , of certain professionals to report when a child is in need of protection. Mandatory reporters include: <ul style="list-style-type: none"> • Medical Practitioners; • Nurses; • Midwives; • School Principals; • Police Officers; • Teachers (including early childhood teachers). |
| Reasonable belief | A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. A person forms a 'reasonable belief' that a child is in need of protection, or their safety or wellbeing is at risk when: <ul style="list-style-type: none"> • They are more likely to accept rather than reject their suspicion; and • The belief is formed through disclosures, observations or other information of which they have become aware. |

REFERENCES

Commission for Children and Young People, A Guide for Creating a Child Safe Organisation, available at <https://ccyp.vic.gov.au>
 Department of Justice and Community Safety, available at <https://www.justice.vic.gov.au>
 Department of Health and Human Services, Disability Act 2006 available at <https://www.providers.dhhs.vic.gov.au/disability-act-2006-service-providers>
 Children, Youth and Families Act 2005 (Vic)
 Child Wellbeing and Safety Act 2005 (Vic)
 Working with Children Act 2005 (Vic)
 Crimes Act 1958
 Equal Opportunity Act 2010 (Vic)
 Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015

RELATED DOCUMENTS

Children in the Workplace Policy
 Complaints Handling Policy
 Councillor Code of Conduct
 Councillor Code of Conduct Support Guide
 Domestic and Family Violence Policy
 Equal Employment Opportunity Policy
 Learning and Development Policy
 Managing Alleged Child Abuse and Child Safety Concerns procedure
 Occupational Health and Safety Policy
 Performance Management / Discipline Policy and Procedure
 Privacy & Data Protection and Health Records Policy
 Recruitment and Selection Policy
 Risk Management Framework
 Social Media Policy
 Staff Code of Conduct