

## CHILD SAFE POLICY

<b>Approval Level:</b>	EMT
<b>Policy Type:</b>	Organisation
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<b>Responsible Officer:</b>	Senior HR Business Partner (People and Culture)
<b>Owner:</b>	Manager, People and Culture
<b>Responsible Director:</b>	Director, Corporate Performance
<b>Relevant Legislation/Authority:</b>	<i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Children Legislation Amendment Reportable Conduct Act 2017</i> <i>Children, Youth and Families Act 2005</i> <i>Child Wellbeing and Safety Act 2005</i> <i>Commission for Children and Young People Act 2012</i> <i>Crimes Act 1958</i> <i>Disability Act 2006</i> <i>Family Violence Protection Act 2008</i> <i>Privacy and Data Protection Act 2014</i> <i>Working with Children Act 2005</i>
<b>DOCSETID:</b>	4135358

### 1. PURPOSE

The purpose of this policy is to:

- 1.1** Outline the City's commitment to child safety by creating and maintaining a culture of child safety and recognise that protecting children and the prevention and response to child abuse is an organisation wide responsibility.
- 1.2** Ensure individuals are aware of the City's legislative responsibility in meeting the requirements of the Child Safe Standards, Reportable Conduct Scheme and the City's commitment to create and sustain an environment where children are safe and protected from abuse.

### 2. BACKGROUND

#### 2.1 Child Safe Standards

**2.1.1** In 2015, the Victorian *Child, Wellbeing and Safety Act 2005* was amended to include the Child Safe Standards. The Victorian Child Safe 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.

**2.1.2** The eleven Victorian Child Safe Standards are:

1. 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 are 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 are 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 that document how schools are safe for children, young people and students.

2.1.3 This policy contributes to the City's obligations under Standard 2 of the Child Safe Standards and provides the opportunity for The City to build on existing processes and practices and enhances the culture of child safety.

## 2.2 Reportable Conduct Scheme

In 2017, the *Child Wellbeing and Safety Act 2005* was amended to give power to the CCYP to oversee the Reportable Conduct Scheme. The Scheme:

- 2.2.1 requires organisations to respond to allegations of child abuse made against Individuals, either within work or outside of work, and to notify the CCYP of any allegations.
- 2.2.2 enables the CCYP to independently oversee those responses; and
- 2.2.3 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.

### 3. SCOPE

This policy applies to all Individuals irrespective of their involvement in child related duties.

### 4. DEFINITIONS

In this policy:

**Aboriginal child** means a child or young person up to the age 18 years who is of Aboriginal or Torres Strait Islander descent, identifies as Aboriginal or Torres Strait Islander, and is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.

**Abuse** means an act or acts which endanger a child's health, wellbeing and/or development. It can be a single event or a series of traumatic events. It includes without limitation, physical abuse, sexual abuse, emotional abuse, cumulative harm, exposure to family violence, neglect, Grooming or multi-dimensional harm.

**CCYP** means the Commission for Children and Young People.

**Child or children** means any child or young person up to the age of 18 years.

**Child related work** means work within one or more of the occupational fields defined in the *Working with Children Act 2005* where the contact with children is direct, unsupervised and part of a person's duties, not incidental to their work.

**Children from culturally and/or linguistically diverse backgrounds** means a child or young person who identifies as having particular cultural or linguistic affiliations 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 living with a disability** means the following:

- a) use of the term 'disability' is consistent with that in the *Disability Act 2006*.
- b) 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.
- c) 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** refers to the standards designed to drive cultural change and embed practice of protecting children into the everyday thinking of an Organisation. In 2015, the *Child Wellbeing and Safety Act 2005* was amended to include Child Safe Standards.

**City** means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 1989* (Vic).

**Councillor** means a person holding the office of Councillor of the City from time to time.

**Cultural safety of Aboriginal children** means Aboriginal or Torres Strait Islander children be 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** means 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, of who they are and what they need.

**Duty of care** means an obligation of Individuals to take reasonable steps to protect children in their care from the risks of injury that are reasonably foreseeable.

**Failure to Disclose** means 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 Disclose is defined in the *Crimes Act 1958* (Vic). [For more information](#)

**Failure to Protect** means a person with power and authority who fails to protect a child from criminal sexual abuse, when they know of the risk of abuse, and are able to reduce or remove the risk but fail to do so. Failure to Protect is defined in the *Crimes Act 1958* (Vic).

**Grooming** means 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. Grooming is defined in the *Crimes Act 1958* (Vic).

**Mandatory Reporting** means the legal obligation under the *Children Youth and Families Act 2005*, of certain professionals to report when a child is in need of protection. Mandatory reporters include medical practitioners, nurses, midwives, school principals, police officers, teachers (including early childhood teachers) and youth and childcare workers.

**Individual** means a Councillor, employee, volunteer, work experience/work placement student, contractor or Labour Hire engaged by the City.

**Reasonable Belief** is formed if a reasonable person in the same position would have formed the belief on the same grounds. A 'reasonable belief' is not the same as having proof. A person forms a 'reasonable belief' that a child is in need of protection, or their safety or wellbeing is at risk, when:

- a) they are more likely to accept rather than reject their suspicion; and

- b) the belief is formed through disclosures, observations or other information of which they have become aware.

## **5. PRINCIPLES**

**5.1** The City values diversity and inclusion within the community and does not tolerate child abuse or discriminatory practices. To achieve this, we will consider the following overarching principles when designing and implementing services for our community:

- 5.1.1 Child Safety is Embedded in Organisational Leadership, Governance, and Culture;
- 5.1.2 Equity is Promoted, and Diversity Respected;
- 5.1.3 People Working with Children Are Suitable and Supported;
- 5.1.4 Processes to Respond to Complaints of Child Abuse Are Child-Focused;
- 5.1.5 Children and families are informed and involved in decision making that directly impacts them.

## **6. POLICY**

### **6.1 Commitment to child safety**

The City has zero-tolerance of child abuse. The City will create and maintain a child safe Organisation where protecting children and preventing and responding to child abuse is embedded in the everyday thinking and practice of all Individuals.

### **6.2 Our children**

- 6.2.1 All children who attend the City's services, programs, and events have the right to feel and be safe. The City recognises children as active citizens and is committed to advocating for the rights of children as valued members of the community.
- 6.2.2 The City encourages and actively seeks to include the voices of children (either directly or through their family/carer representatives) in our Organisational planning, delivery of services, management of facilities and assessment procedures.
- 6.2.3 The City values the voices of children and will always act on concerns raised by children or their families in regard to their safety.

## **7. Recruitment**

**7.1** The City understands that when recruiting Individuals we have ethical and legislative responsibilities. The City complies with all relevant regulatory and legal requirements when recruiting Individuals to ensure its Individuals and customers are not placed under unreasonable risk.

- 7.1.1 The City employs a range of best practice screening measures and applies these standards in the screening and recruitment of Individuals to minimise the risk of inappropriate individuals entering the Organisation.

In addition our recruitment process includes:

- a) our statement of commitment to child safety in all position descriptions; and
- b) mandatory pre-employment screening and checks for all people engaging in child-related work. To ensure the City is recruiting with child safety in mind, the City requires the following checks:
  - (i) a Working with Children Check;
  - (ii) evidence of a valid Working with Children Check; noting The City of Greater Bendigo as current employer
  - (iii) a satisfactory Police Check.

## **7.2 Legislative requirements**

The City takes its legal responsibilities very seriously. The City has implemented processes and training to ensure all Individuals are aware of the Organisation's responsibilities, as well as their own, regarding legal obligations relating to the reporting of child abuse. This includes an understanding of the following:

- 7.2.1 Failure to Disclose;
- 7.2.2 Failure to Protect;
- 7.2.3 Mandatory Reporting; and
- 7.2.4 Grooming.

## **7.3 Training**

Training is important to ensure that all individuals associated with the City understand that child safety is everyone's responsibility and is vital to maintaining a child safe environment. Through its training, the City aims to achieve a culture where all Individuals feel confident and comfortable in discussing (and reporting where appropriate) any allegations of child abuse or child safety concerns.

- 7.3.1 The City will develop a tiered approach to appropriately inform, and provide training for Individuals on child safety based on their roles and responsibilities and involvement with children. All Individuals are inducted and provided with ongoing supervision and support to increase their capacity to establish and maintain a child safe environment

## **7.4 Risk management**

- 7.4.1 The City recognises the importance of a risk management approach to minimising the potential for child abuse or harm to occur.

- 7.4.2 The City is responsible for effectively identifying and managing risk and for promoting a safe and healthy environment for Individuals and the community. We will review and further develop risk management policies to ensure they comply with the Child Safe Standards.

## **7.5 Reporting**

- 7.5.1 The City is committed to being a child safe Organisation that complies with all relevant legislation, including both the Child Safe Standards and Reportable Conduct Scheme.
- 7.5.2 The City takes all allegations of abuse seriously, will investigate all allegations fairly and will comply with natural justice principles.
- 7.5.3 A reportable allegation is made where a child, young person or adult makes an allegation, based on a reasonable belief, that an Individual has been involved in the abuse of a child or young person.
- a) When an allegation of child abuse is received, all Mandatory Reporting requirements must be met, including reporting to:
- (i) Police;
  - (ii) Department of Health and Human Services;
  - (iii) the CCYP;
  - (iv) people under the reportable conduct scheme; and
  - (v) other government departments or regulators as appropriate.
- 7.5.4 All incidents or allegations of child abuse (as outlined in clause 7.5.3) should be reported to a Child Safety Officer. Allegations or incidents can be reported by children, families or Individuals.

## **7.6 Child Safety Officers**

- 7.6.1 The City has established Child Safety Officers who will have specific responsibility for responding to any complaints made by Individuals, parents, families or children.
- 7.6.2 Child Safety Officers will ensure that all reportable incidents are managed effectively and in compliance with all legislative obligations.
- 7.6.3 Child safety Officers will be available to provide secondary consultation and support all individuals with reports relating to child safety.

## **8. Privacy and record keeping**

- 8.1.1 The City is committed to protecting an individual's right to privacy. In accordance with the:
- (i) City's Code of Conduct;



- (ii) The Child Wellbeing and Safety Act 2005 (Vic);
- (iii) The Child Information sharing scheme;
- (iv) The Family Violence information sharing scheme, and
- (v) Legislated Mandatory Reporting and information-sharing requirements.

8.1.2 Personal information considered or recorded during the process of a report or investigation will be used and disclosed only as necessary to meet the purposes outlined in this Policy and as authorised by law.

8.1.3 The City is committed to best practice when keeping and maintaining confidential records of child abuse allegations or reports. The City, in maintaining records on reports of child abuse, will maintain confidentiality and privacy for children and families in accordance with legislation.

8.1.4 Records will be retained in line with the recommendations from the Public Records Office Victoria.

## **8.2 Support**

Where appropriate, following a child safety concern, the City will assist alleged victims and their families to access counselling and support services and provide support to affected Individuals through the City's Employee Assistance Program.

The City will also endeavour to link children, youth and families impacted to external services as required, to ensure ongoing support.

## **8.3 Breaches**

The City will enforce this policy and the relevant Codes of Conduct. Following any breaches by Individuals, the City will enforce disciplinary measures, which may include suspension, termination and/or referral to Victoria Police and reporting to CCYP for further investigation. Breaches by Individuals will lead to action in accordance with the City's Managing Misconduct Procedure.

## **9. ROLES AND RESPONSIBILITIES**

The Chief Executive Officer is responsible for the organisation's compliance with the Reportable Conduct Scheme with assistance from The People and Culture unit working with Individuals to ensure alignment with this policy.

The Executive Management Team will be responsible for leading its implementation, providing leadership, oversight and application of all elements of this framework as well as continuously developing a culture of child safety within the Organisation.

People managers must ensure that Individuals supervised by them are aware of their responsibilities under the Child Safe Standards, how to report an incident or concern, and the legal responsibilities. Additionally, all Individuals have a responsibility to adhere to this policy.



## 10. RELATED DOCUMENTS

Individuals are encouraged to access the related internal documents which are available on the intranet and/or external resources which are available as per the below. These include:

- Child Safe Incident Report Form
- Employee Code of Conduct
- Councillor Code of Conduct
- Managing Misconduct Procedure
- Police Check Policy
- Recruitment and Selection Policy
- Working with Children Check Policy
- Social Justice Framework 2022-2032
- Barpangu- Reconciliation plan 2021-2025
- Cultural Diversity and Inclusion Plan (2021-2025)

Further information or advice on this policy should be directed to the People and Culture Unit.

## 11. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

## 12. 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, such a change may be made administratively. Examples include a change to the name of a Business Unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

## 13. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
16/04/2019	Kylie Cheal HR Adviser	People & Culture	Development of new policy	1	16/04/2023
1/05/19	Jennifer Nolan Policy and Legal Support Officer	Governance	Re-uploaded to ECM to obtain a Doc Set Id No. as no previous uploads. Policy updated with Doc Set Id No	2	16/04/2023
12/11/2020	Esther Patterson	People & Culture	Administrative change – update numbering	3	16/04/2023
20/8/2024	Tahmeika Napier	People & Culture	Administrative updates- update Victorian Child Safe Standards	4	20/08/2028