

# Child Safe Policy

## Council Policy



**Responsible director**

**Responsible officer**

**Functional area**

**Date adopted by Council**

**Review date**

Director Corporate Services

Manager Human Resources

Human Resources

August 2017

August 2021

### Purpose

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 legislative responsibility in meeting the requirements of the Child Safe Standards and our commitment to the community to create and sustain an environment where children are safe and protected from abuse.

### Background

On 17 April 2012, the Victorian Government initiated the *Family and Community Development Committee's Inquiry into the Handling of Child Abuse by Religious and Other Organisations (Betrayal of Trust Inquiry)*.

The *Betrayal of Trust* report was tabled in Parliament on 13 November 2013 and made 15 recommendations including compulsory minimum standards for creating child-safe environments.

On 26 November 2015, the Victorian Parliament passed the *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015* (the Act) to introduce Child Safe Standards.

The seven Child Safe Standards support organisations that provide services to children to prevent child abuse, encourage reporting of abuse and increase the effectiveness of responses to allegations of child abuse. Council will support the Child Safe Standards through the review of the following Policy documents and their supporting documentation (but not limited to):

- *Council Plan 2017-2021*
- *Youth Strategy 2015-2018*
- *Municipal Public Health and Wellbeing Plan 2017-2021*
- *Open Space Sport and Recreation Strategy*
- *Human Resources Policy and Processes*
- *Code of Conduct for Councillors*
- *Code of Conduct for Employees*
- *Privacy & Data Protection Policy*
- *Communications and Consultation Policy*
- *Social Media Policies*
- *Municipal Neighbourhood Safer Places Plan*

### Policy

This policy outlines Northern Grampians Shire Council's commitment to the health, safety and wellbeing of all children and to protecting them from child abuse.

Council does not tolerate child abuse and all allegations and safety concerns will be treated seriously, reported and investigated.

Council will at all times listen to children respectfully and advocate for their right to feel safe, valued and protected.

Council will work in partnership with local organisations and services to protect children in our community from child abuse regardless of their age, gender, race, ability, sexual orientation, social, cultural or linguistic background or their family's religious beliefs or affiliations.

This policy meets Council's obligations under Standard 2 of the Child Safe Standards - "A child safe policy or statement of commitment to child safety" and provides the opportunity for Council to improve its existing processes and practices and enhance the culture of child safety for Northern Grampians Shire Council.

### **Commitment to Child Safety**

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

### **Legislative requirements**

Northern Grampians Shire Council has processes in place that will enable all Councillors, employees, contractors and volunteers to be aware of the organisation's responsibilities as well as their own, legal obligations relating to child abuse and reporting to appropriate authorities. This includes:

- *Failure to disclose: Reporting child sexual abuse is a community-wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police.*
- *Any personnel who are mandatory reporters (doctors, nurses, midwives, teachers (including early childhood teachers), principals and police) must report to child protection if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.*
- *Grooming: Grooming offence targets communication, including online communication, with a child under the age of 16 or their parents with the intent of committing child sexual abuse. This offence targets 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.*
- *Failure to protect: People of authority within the Council will commit an offence if they have the power or responsibility to reduce or remove a substantial risk, where a child under the age of 16 years may become the victim of sexual abuse committed by an adult associated with the organisation; but negligently fail to do so.<sup>1</sup>*

<sup>1</sup> Further information about the failure to disclose offence, failure to protect offence and mandatory reporting is available from Department of Justice and Regulation, available on their website.

### **Council Plan Objective/Strategy**

*Enhance Lifestyles and Community*

### **Legislation and Standards**

*Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015*

### **Responsibilities**

All Councillors and employees should be familiar with the types of child abuse that might occur within the organisation and be alert for any indications of such conduct.

**Council** Councillors are responsible for providing leadership for the good governance of Council by acting as a responsible partner in fostering and developing an organisational culture that has zero tolerance for child abuse. Councillors will advocate in the best interests of children to create and sustain a community in which children are safe and protected from abuse.

**Chief Executive Officer** The Chief Executive Officer is ultimately responsible for driving the required cultural change of zero tolerance for child abuse, so that protecting children from risks of child abuse is embedded in everyday thinking and practice across the organisation.

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The Chief Executive Officer is responsible for ensuring that Council has effective controls in place to prevent child abuse occurring. This will be achieved through the implementation of robust procedures that aim to prevent the employment of perpetrators of child abuse, ensure early detection of any instances of child abuse and ensure any allegations of child abuse are reported and fully investigated.

**The Executive Management Team** The Executive Management Team is responsible for supporting the Chief Executive Officer to drive a culture of zero tolerance for child abuse. This will be achieved by ensuring:

- the organisation has in place and implements robust child safety procedures that protect children from child abuse
- suspected or alleged instances of child abuse are reported and fully investigated
- support is provided to employees, contractors and volunteers in undertaking their child protection responsibilities.

**Managers** All Managers must ensure that they:

- receive reports of child safety concerns or allegations of abuse within Council
- initiate internal processes to ensure the safety of the child, clarify the nature of the complaint and commence the disciplinary process (if required)
- decide in accordance with legal requirements and duty of care, whether the matter should/must be reported to the police or Child Protection and make a report as soon as possible if required
- identify any potential for child abuse to be perpetrated, and assess the related risks of child abuse within their Department
- eradicate/minimise any risk to the extent possible
- ensure employees are educated about the prevention and detection of child abuse and attend any relevant training when it is provided, and
- offer support to the child, the parents, the person who reports and the accused staff member, contractor or volunteer.

**Human Resources** Employees within the Human Resources Department must ensure:

- the principles of the child safe standards are embedded in Council procedures including recruitment and pre-employment screening processes
- employees and volunteers have access to and are aware of the Child Safe Policy
- the organisation strictly adheres to procedures as they apply to Child Safe Standards and takes appropriate action when a non-compliance arises
- they manage Council's disciplinary procedure as it applies to the child safe standards
- they support employees who have been impacted by a child abuse incident and make appropriate referrals to the Employee Assistance Program, and
- they incorporate child safety in Council's Induction and Learning and Development program

**Child Safety Officer** Child Safety Officers will:

- act as the first point of contact for employees who have a child safety concern or allegation of abuse within Council, and
- support the notification of child safety concerns or allegations to relevant authorities (Police or Child Protection).

**Employees** All employees must familiarise themselves with the relevant laws, the Staff Code of Conduct, and Council's policy and procedures in relation to child safety, and comply with all requirements, including:

- participation in employee induction training
- reporting any suspicion or reasonable belief that a child's safety may be at risk to their supervisor or the designated Child Safety Officers
- providing an environment that is supportive of all children's emotional and physical safety.

**Volunteers** Volunteers share the responsibility for the prevention and detection of child abuse, and must report any suspected cases to their direct supervisor or the relevant external reporting channels.

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**Labour hire – agency employees and contractors** Labour hire agency employees and contractors also share the responsibility for the prevention and detection of child abuse and any suspected case or allegation of child abuse. Council will embed a process that provides a contractual obligation to ensure that the same standards that apply to Council, will apply to labour hire agency employees and contractors.

**Licensee / Lessor** Council acknowledges that sporting associations and not-for-profit entities are themselves also required to comply with Child Safe Standards. Council, as their licensee or lessor, will note this requirement in the Occupancy Licence Agreement between Council and individual groups with the aim to raise awareness of the legislation and compliance requirements.

### **Review**

This policy will be reviewed every four years unless changes in legislation require earlier review.

### **Communication and implementation**

This policy will be available on Council's EDRMS (InfoXpert)

### **References**

*Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015*

*Northern Grampians Shire Council Childsafe Reporting Flowchart*

### **Charter of Human Rights compliance**

It is considered that this policy is compatible with the relevant human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

### **Definitions**

**The Act:** *Child Safety and Wellbeing Act 2005*

**Child:** a person who is under the age of 18 years.

**Child safety:** in the context of the child safe standards, child safety means measures to protect children from abuse.

**Aboriginal child:** a person under the age of 18 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.

**Child safe organisation:** in the context of the child safe standards, a child safe organisation is one that meets the child safe standards by proactively taking measures to protect children from abuse.

**Child abuse:** any act committed against a child involving physical violence, sexual offences, serious emotional or psychological abuse and serious neglect.

**Children from culturally and / or linguistically diverse backgrounds:** 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 with a disability:** a disability can be any physical, sensory or neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child's ability to undertake everyday activities. Some disabilities can be obvious while others are hidden.

**Child Protection Authority:** the Victorian Child Protection Service is specifically targeted to those children and young people at risk of harm or where families are unable or unwilling to protect them.

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**Review history**

<b>Date</b>	<b>Review details</b>	<b>Action</b>
August 2017	New policy	Endorsed by ELT