



WARRNAMBOOL
CITY COUNCIL

Child Safety & Wellbeing Policy

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CHILD SAFETY & WELLBEING POLICY

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1. INTRODUCTION

1.1 Purpose

This policy details Council's commitment to modelling and promoting the safety and wellbeing of children and to creating and maintaining a physical and online environment that is child safe, child friendly, and where all children feel valued and protected from abuse. This policy also sets out the steps it will take to ensure the abuse of children will not be tolerated and the response it will implement should a report of abuse be made.

This policy (in conjunction with other related documents) will be considered in key decision-making processes and operating procedures of Council.

1.2 Background

In April 2012, the Victorian Government initiated an inquiry into the handling of child abuse allegations within religious and other non-government organisations. The inquiry's final report, *Betrayal of Trust*, made a number of recommendations, including the introduction of compulsory minimum standards for creating child-safe environments.

In November 2015, the Victorian Parliament passed the Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 to introduce seven Child Safe Standards (Standards) which commenced operation in Victoria in January 2016. The 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.

In February 2019, National Principles for a Child Safe Organisation were endorsed by members of the Council of Australian Governments (COAG). These principles outline at a high level the ten elements that are fundamental to making an organisation safe for children. At present, the National Principles are not mandatory. However, organisations that implement them will be demonstrating their leadership and commitment to child safety and wellbeing.

From July 2022, eleven new Standards will replace Victoria's current seven Standards and principles. Key changes include new requirements:

- to involve families and communities in organisations' efforts to keep children and young people safe
- for a greater focus on safety for Aboriginal children and young people
- to manage the risk of child abuse in online environments
- for greater clarity on the governance, systems and processes to keep children and young people safe.

At the time of review of this policy, Council is working towards embedding the new Standards ahead of mandatory implementation in July 2022.

1.3 Scope

This policy applies to all Councillors and all staff irrespective of their involvement in child related services, work or duties. This includes Council employees, trainees, volunteers, work placement students and contractors working with Council through another agency or on a contract basis.

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Due to contractual obligations embedded by Council, the same standards that apply to Council will apply to labour hire agency employees and contractors.

All references to 'Council' in this policy include reference to individuals in the positions identified in the paragraph above.

This policy is complemented by the child focused Complaint Handling Policy. Complaints relating to discrimination are handled according to that policy.

2. STATEMENT OF COMMITMENT TO CHILD SAFETY AND WELLBEING

Child safety and wellbeing are a community responsibility and are everyone's business. The safety of children in our care is Council's first priority and we have zero tolerance for child abuse or harm. Council is committed to creating and maintaining a child safe and child friendly city, where all children are valued and protected from abuse.

To achieve a child safe and child friendly city, Council will:

- champion child safety and wellbeing and embed a child safe culture into the everyday thinking and practice of all Councillors, Council staff, contractors and volunteers
- ensure that all people connected with Warrnambool City Council understand that child safety and wellbeing are everyone's responsibility
- foster a culture where everyone feels confident and comfortable to raise any allegations of child abuse or other child safety concerns
- listen to children respectfully and advocate for their right to feel safe, valued and protected
- seek to engage and involve children, their families and the broader community when making decisions, especially about matters that directly affect them
- encourage and support children to express their culture and enjoy their cultural rights
- acknowledge the diversity of families and respect this when communicating with families and communities about how to raise child safety concerns
- understand children and young people's diverse circumstances, and provides support and respond to those who are vulnerable, for example children who are unable to live at home
- establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children, children from culturally and/or linguistically diverse backgrounds, and children with disability are respected and valued
- give particular attention to the needs of children and young people who identify as lesbian, gay, bisexual, transgender or intersex
- uphold equity and attend to any adjustments to provide equal protection for all children and young people
- adopt measures to ensure racism within the organisation is identified, confronted and not tolerated.

Council recognises and commits to the *COAG National Principles for Child Safe Organisations*.

3. OUR PEOPLE

This policy guides Council on how to behave with children and considerations to be made when making decisions. All must agree to abide by Council's Codes of Conduct, which include standards of conduct required when working with children.

Council is responsible for ensuring that appropriate behaviour with children is clearly defined and expectations are accessible and understood by all persons associated with Council.

Ongoing supervision and people management is focused on child safety and wellbeing.

4. RESPONSIBILITY AND ORGANISATIONAL CONTEXT

Council supports the embedding of child safety and wellbeing within the organisation through the review of policies and procedures. Specifically:

- Municipal Early Years Plan
- Municipal Public Health and Wellbeing Plan
- Children and family related services policies and processes
- Disability, access and inclusion related services policies and processes
- Recreation, culture & leisure related services policies and processes
- Human Resource polices and processes including complaints handling
- Codes of Conduct for Councillors, Employees and Volunteers
- Council Local Laws
- Community engagement policies & processes
- News & Social Media policies & processes

5. EDUCATION AND TRAINING (INCLUDING INDUCTION)

Ongoing education and training is important to ensure Council are equipped with the knowledge, skills and awareness to keep children and young people safe.

Appropriate induction will be provided for all staff and volunteers to ensure they are aware of their responsibilities to children and young people, including record keeping, information sharing and reporting obligations.

Specific training will be provided to Council on:

- effectively implementing the organisation's child safety and wellbeing policy
- recognising indicators of child harm including harm caused by other children and young people
- responding effectively to issues of child safety and wellbeing and supporting colleagues who disclose harm
- understanding Aboriginal culture and appreciating for culturally sensitive issues
- building culturally safe environments for children and young people

This training will be provided on commencement as well as an ongoing basis, tailored to the needs of Council and factoring in the complexity of the different work with children and young people undertaken by Council.

6. RECRUITMENT AND SCREENING

Child safety and wellbeing is emphasised in all decisions regarding recruitment (including advertising, referee checks and staff and volunteer pre-employment screening) of individuals and engagement of volunteers.

Council employs a range of screening measures and standards in the recruitment of employees, contractors and volunteers. This includes ensuring all relevant staff and volunteers have current working with children checks. This is intended to minimise the risk of inappropriate individuals entering the organisation.

Reference checks and pre-employment screening will be thorough, to ensure that we are recruiting with child safety and wellbeing in mind.

We will ensure the principles of child safety and wellbeing are embedded in Council human resource policies and procedures including recruitment and pre-employment screening processes.

Council will inform staff and volunteers about its record keeping processes in relation to child safety and wellbeing and information sharing and reporting obligations.

7. INFORMATION SHARING

While Council is committed to protecting an individual's right to privacy, the safety and wellbeing of children is our primary concern. Accordingly, Council will ensure systems and processes support the effective sharing of information at all levels about risks to children and young people.

Unless there is a legislative requirement (for example, if there is a risk of self-harm or a risk to someone's safety, this falls under the responsibility of the Child Information Sharing Scheme or Family Violence Information Sharing Scheme - which Council is an authorised agency), all personal information considered during the process of a report or investigation, will be dealt with in accordance with Council's Privacy Policy.

8. REPORTING AND RESPONDING TO A CHILD SAFETY CONCERN

We all have a responsibility to report any suspicion or reasonable belief that a child's safety may be at risk.

Council takes complaints seriously and will respond promptly and thoroughly.

Council's child focused Complaint Handling Policy clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report.

Council strategies will empower children in our care, their parents and the community to ensure that they feel safe and comfortable in reporting concerns or allegations of abuse.

We will work to ensure all children, families, staff, contractors and volunteers know what to do and who to tell if they suspect abuse or are a victim, or if they notice inappropriate behaviour.

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Any inappropriate behaviour will be reported through appropriate channels, including Child Protection and/or Victoria Police and/or the Commission for Children and Young People, depending on the nature of the matter.

The first point of contact for reporting child safety concerns are Council's Child Safety Officers:

Council's Child Safety Officers are:

- Director of Community Development
- Manager of Children's and Family Services
- Service Manager Early Years Learning & Development
- Service Manager Early Years Intervention & Support
- Manager Governance, Property, Projects and Legal
- Safety & Risk Management Coordinator
- Manager of Organisation Development
- Human Resources Coordinator

Also refer to *Appendix 1 – Flowchart: Child Safety Reporting Process*

In response to a report, the Child Safety Officer will:

- Initiate processes to ensure the safety of the child
- Clarify the nature of the complaint
- Decide, in accordance with legal requirements and duty of care, in a meeting with other Child Safety officers, whether the matter should/must be reported to the police or Child Protection and the Commission for Children and Young People and make report as soon as possible if required.
- Assist alleged victims and their families to access counselling and support services.
- Provide support to affected staff through Council's Employee Assistance Program.
- Commence disciplinary process (if required)

9. ROLES AND RESPONSIBILITIES

In addition to the designated Child Safety Officers' responsibilities outlined above, a child safe culture will be championed and modelled at all levels of Council and this policy will be implemented at all levels. More specifically:

Councillors

- 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 and their wellbeing is valued.

Chief Executive & Executive Group

- The Chief Executive is ultimately responsible for driving the required organisational cultural change of zero tolerance for child abuse and ensuring that the organisation has effective controls in place to prevent child abuse occurring. 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 councilors, managers, staff, contractors and volunteers in undertaking their child protection responsibilities.

Managers

- All Managers must ensure that staff, contractors and volunteers have access to and are aware of this Child Safe Policy and related procedures
- Receive and refer child safety concerns or allegations of abuse within Council to the Child Safety Officers.
- Identify any potential for child abuse to be perpetrated, and assess the related risks of child abuse within their Branch
- Eradicate/minimise any risk to the extent possible
- Ensure staff, contractors and volunteers receive induction and ongoing education and training as detailed in this policy and attend any relevant training when it is provided
- Ensure confidentiality and privacy of personal information is protected in line with relevant legislation, Council policies and procedures.

All Staff

- All staff must familiarise themselves with the relevant laws, the Staff Code of Conduct, and Council's policies and procedures in relation to child safety, and comply with all requirements, including:
 - Participation in staff induction and refresher training
 - Report any suspicion or reasonable belief that a child's safety may be at risk to a designated Child Safety Officer.
 - Provide 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 are attuned to the signs of harm.
- Report any suspected cases to their direct supervisor. This can be done with the assistance of a Child Safety Officer if preferred. Volunteers must seek this assistance where required.

Labour Hire/Agency workers and contractors:

- Share the responsibility for the prevention and detection of child abuse

Council Owned/Controlled Facilities/Funded Services

- Council acknowledges that sporting associations and not-for-profit entities are themselves also required to comply with the Child Safe Standards. Council, as their licensee or lessor, will note this requirement in the Occupancy License Agreements between Council and the association/entity with the aim to raise awareness of child safety and wellbeing and the related compliance requirements.

10. LEGISLATIVE REQUIREMENTS

Council takes its legal responsibilities seriously, and acknowledges the following offences and responsibilities:

- **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.
- **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.
- **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.
- Any personnel who are **mandatory reporters** (e.g. nurses, teachers etc.) must report to child protection if they believe on reasonable grounds that a child is in need of protection from abuse.

Abuse is defined in Appendix 2.

11. RISK MANAGEMENT

In addition to general occupational health and safety risks, Council will proactively manage risks of abuse to our children by ensuring risk management strategies focus on preventing, identifying and mitigating risks to children and young people.

We will review and further develop Council's Risk Management Framework, Policy and Procedure to ensure they comply with the Child Safe Standards.

12. GOVERNANCE

12.1 Policy Owner & Review

The Manager, Governance Projects & Risk is responsible for monitoring the currency and viability of this policy and updating it when required.

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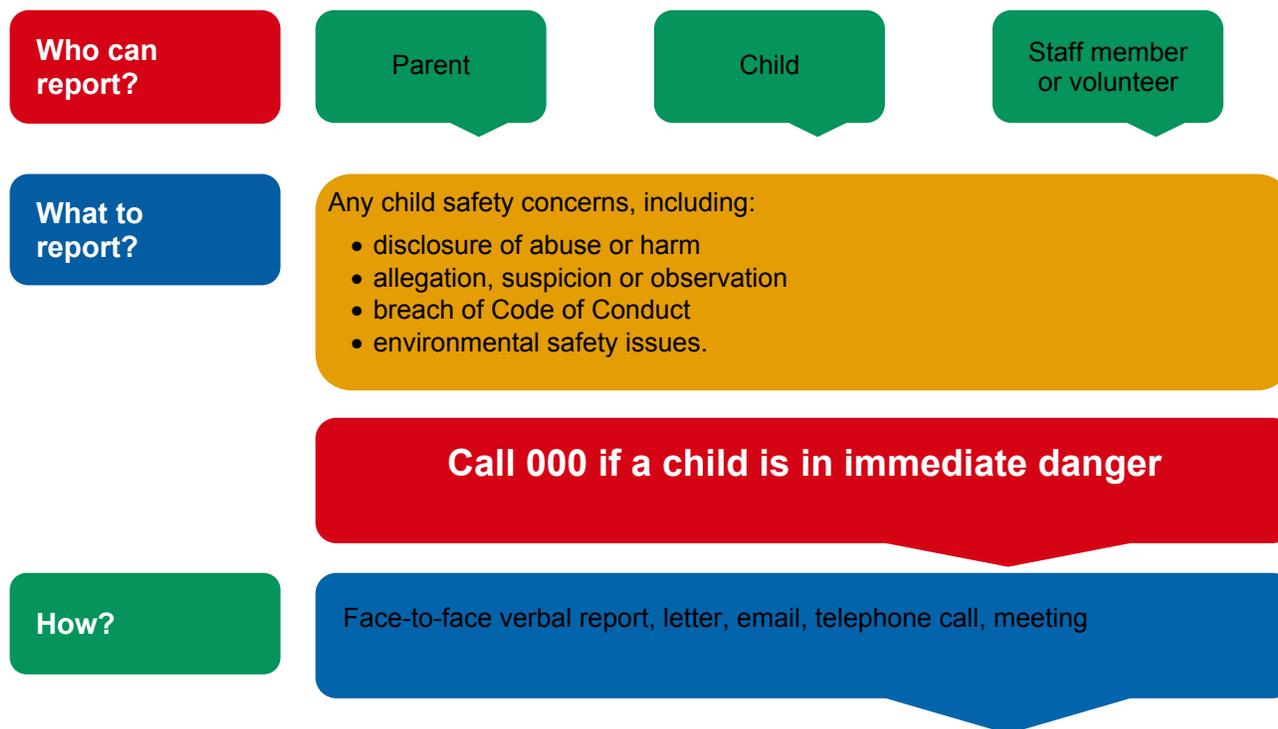
Council will review this policy for any necessary amendments no later three years after its formation or after the last review.

12.2 Charter of Human Rights Compliance

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act (2007).

Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee health and safety representatives in any workplace change that may affect the health and safety of any of its employees.

APPENDIX 1: FLOWCHART - CHILD SAFETY REPORTING PROCESS



Who to?

Child Safety Officers

Director of Community Development
Manager of Children's and Family Services
Service Manager Early Years Learning & Development
Service Manager Early Years Intervention & Support
Manager Governance, Property, Projects and Legal
Safety & Risk Management Coordinator
Manager of Organisation Development

What happens next?

The Child Safety Officer Team will:

- Initiate internal processes to ensure the safety of the child
- Clarify the nature of the complaint
- Decide, in accordance with legal requirements and duty of care, whether the matter should/must be reported to the police or Child Protection and the Commission for Children and Young People and make report as soon as possible if required.
- Assist alleged victims and their families to access counselling and support services.
- Provide support to affected staff through Council's Employee Assistance Program.
- Commence disciplinary process (if required)

Outcome

Investigation; outcome decided; relevant staff, volunteers, parents and child notified of outcome of investigation; policies, procedures updated where necessary.

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APPENDIX 2: DEFINITIONS & REFERENCES

Definitions

Term	Definition
The Act	The Child Safety and Wellbeing Act 2005
Aboriginal & Torres Strait Islander Child	A person under the age of 18 who is of Aboriginal or Torres Strait islander descent, identifies as Aboriginal and/or Torres Strait Islander, and is accepted as Aboriginal or Torres Strait islander by an Aboriginal or Torres Strait islander community.
Child	A person who is under the age of 18
Child abuse	<p>Any event (action or non-action) that hurts a child or puts them in danger. Types of abuse are:</p> <p>Physical Abuse: when a child suffers or is likely to suffer significant harm from a non-accidental injury. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. Some examples of Physical abuse include hitting, punching, burning or shaking a child.</p> <p>Sexual Abuse: when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to his/her age and development. Child sexual abuse can involve a range of sexual activity including fondling, masturbation, penetration, voyeurism and exhibitionism. It can also include exposure to or exploitation through pornography or prostitution, as well as grooming behaviour.</p> <p>Emotional or Psychological Abuse: when harm is inflicted on a child through repeated rejection, isolation, or by threats or violence. It can include derogatory name-calling and put-downs, or persistent and deliberate coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological abuse could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risk behaviours.</p> <p>Serious neglect is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or is likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life threatening situations.</p>

<p>Child Harm</p> <p>Child Safe Standards</p>	<p>Is a detrimental effect on a child’s physical, psychological or emotional wellbeing. Harm may be caused by financial, physical or emotional abuse, neglect and or sexual abuse or exploitation whether intended or not intended.</p> <p>The compulsory minimum standards (enacted pursuant to the Child Wellbeing and Safety Act 2005) which apply to organisations in Victoria that provide services for children to help ensure the safety of children, as follows:</p> <p>In place until 30 June 2022:</p> <ol style="list-style-type: none">1. Strategies to embed an organisational culture of child safety, including through effective leadership arrangements2. A Child Safe Policy or Statement of Commitment to Child Safety3. A code of conduct that establishes clear expectations for appropriate behaviour with children4. Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel5. Processes for responding to and reporting suspected child abuse6. Strategies to identify and reduce or remove risks of child abuse7. Strategies to promote the participation and empowerment of children <p>From 1 July 2022:</p> <ol style="list-style-type: none">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 valued2. Child safety and wellbeing is embedded in organisational leadership, governance and culture3. Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously4. Families and communities are informed, and involved in promoting child safety and wellbeing5. Equity is upheld and diverse needs respected in policy and practice6. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice7. Processes for complaints and concerns are child focused8. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training9. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed10. Implementation of the Child Safe Standards is regularly reviewed and improved11. Policies and procedures document how the organisation is safe for children and young people
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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.
Cultural Safety	An environment that is safe for people: where there is no assault, challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience, of learning, living and working together with dignity and truly listening. <i>(Williams, R. 2008)</i>
Cultural safety of Aboriginal children	Cultural safety encompasses the child being provided with a safe, nurturing and positive environment where they are comfortable with being themselves, expressing their culture, their spiritual and belief systems, and they are supported by the carer and family. (as defined by the Secretariat of National Aboriginal and Islander Child Care www.supportingcarers.snaicc.org.au) For further information, see Aboriginal and Torres Strait Islander cultural safety framework
Child related work	Work within one or more of the occupational fields defined in the Act 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	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, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child's ability to undertake everyday activities. Some disabilities may be obvious while others are hidden.
Family Violence Information Sharing Scheme	The scheme enables the sharing of information between authorized organisations to assess and manage family violence risk. Under the scheme, Information Sharing Entities or ISEs can share information related to assessing or managing family violence risk. Changes have been made to the Victorian Privacy Legislation so information can be shared to reduce or prevent a serious threat to someone's life, health or welfare. More information can be found at ovic.vic.gov.au

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<p>The Child Information Sharing Scheme</p>	<p>Allows authorized organisations to share information to support child wellbeing or safety.</p> <p>Many organization already work together to do this, the scheme has expanded legal permissions for professionals to share and request information from other professionals. This ensures that professionals working with children can gain a complete view of the children they work with, making it easier to identify wellbeing or safety needs earlier and to act on them sooner. Children aged between 0 – 18 years are covered under this.</p> <p>WCC is an authorized organization as council provides services that work with children, young people and families. These services are After School Care, Kindergartens, Childcare, Youth Services, Family Services, Supported Playgroups, Maternal Child Health</p>
<p>National Principles for Child Safe Organisations</p>	<ol style="list-style-type: none"> 1. Child safety and wellbeing is embedded in organisational leadership, governance and culture. 2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously. 3. Families and communities are informed and involved in promoting child safety and wellbeing. 4. Equity is upheld and diverse needs respected in policy and practice. 5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice. 6. Processes to respond to complaints and concerns are child focused. 7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training. 8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed. 9. Implementation of the national child safe principles is regularly reviewed and improved. 10. Policies and procedures document how the organisation is safe for children and young people.

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Reasonable Belief	<p>A reasonable belief or a belief on reasonable grounds is not the same as having proof but is more than a mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed if:</p> <ul style="list-style-type: none"> • A child states that they have been physically or sexually abused; • A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves); • Someone who knows a child states that the child has been physically or sexually abused; • Professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; • Signs of abuse lead to a belief that the child has been physically or sexually abused; • A report has been made of a sexual relationship with a child under 16.
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References

Acts	<ul style="list-style-type: none"> • Child Wellbeing & Safety Act 2005 (<i>The Act</i>) • Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015 • Part 5A Family Violence Protection Act 2008 • Family Violence Protection Amendment (Information Sharing) Act 2017
Guidelines	<ul style="list-style-type: none"> • Commission for Children & Young People 'An Overview of the Victorian child safe guidelines' https://ccyp.vic.gov.au/assets/resources/CSS-RCS-Info-Sheets-Trans/CSS-English-Plain.pdf • Commission for Children & Young People 'Reportable Conduct Scheme' https://ccyp.vic.gov.au/reportable-conduct-scheme/ • Commission for Children & Young People 'Being a Child Safe Organisation' https://ccyp.vic.gov.au/child-safety/being-a-child-safe-organisation • Victorian Department of Justice & Community Safety's 'Overview of the child safe standards and reportable conduct scheme' https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/overview-of-child-safe-standards-and-reportable • Working with Children Check https://www.workingwithchildren.vic.gov.au/ • Australian Human Rights Commission National Principles for Child Safe Organisations