



WARRNAMBOOL
CITY COUNCIL

CHILD SAFE POLICY

POLICY TYPE: COUNCIL

APPROVAL DATE: 7 August 2017

REVIEW DATE: August 2020

DOCUMENT CONTROL

Document Title:	<i>Child Safe Policy</i>
Policy Type:	<i>Council</i>
Responsible Branch:	<i>Executive Services</i>
Responsible Officer:	<i>Chief Executive Officer</i>
Document Status:	<i>Approved</i>
Approved By:	<i>Council</i>
Adopted Date:	<i>7 August 2017</i>
Review Date:	<i>August 2020</i>

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1. INTRODUCTION

1.1 Purpose

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. Warrnambool City Council recognises that child safety requires a whole of organisation response. All Council officers have a responsibility to ensure the safety of children.

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.

1.2 Scope

This policy applies to all councillors, senior executives/officers, managers and staff irrespective of their involvement in child related services, work or duties.

This policy also applies to trainees, volunteers, work placement students and contractors working with Council through another agency or on a contract basis.

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

2. WARRNAMBOOL CITY COUNCIL'S STATEMENT OF COMMITMENT

Warrnambool City Council acknowledges that children's safety is a whole of community responsibility and is everyone's business.

The welfare of children in our care is Council's first priority and we have zero tolerance to child abuse.

We are committed to creating and maintaining a child safe and child friendly City where all children are valued and protected from abuse.

We are committed to creating and maintaining a child safe organisation where protecting children, preventing and responding to child abuse is embedded in the everyday thinking and practice of all Councillors, Council staff, contractors and volunteers.

We are committed to the cultural safety of Aboriginal children and providing safe environments for children from culturally and/or linguistically diverse backgrounds, and children with a disability.

Council will at all times listen to children respectfully and advocate for their right to feel safe, valued and protected. We seek to engage and involve children when making decisions, especially about matters that directly affect them. We listen to their views and respect what they have to say.

3. RESPONSIBILITY AND ORGANISATIONAL CONTEXT

Council supports the embedding of the Child Safe Standards within the organisation through the review of the Council / Organisational 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 policies and processes
- Codes of Conduct for Councillors, Employees and Volunteers
- Council Local Laws
- Community engagement policies & processes
- News & Social Media policies & processes

4. OUR PEOPLE

This policy guides our Councillors, staff, contractors and volunteers on how to behave with children in our organisation. All must agree to abide by Councils Codes of Conduct, which includes standards of conduct required when working with children.

Warrnambool City 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.

Warrnambool Council will implement screening tools during the recruitment process designed to identify suitable employees, volunteers, and others persons associated with Council. This is intended to minimise the risk of inappropriate individuals from entering the organisation.

5. LEGISLATIVE REQUIREMENTS

Warrnambool City Council takes its legal responsibilities seriously, including:

- **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 abuseⁱ

6. EDUCATION AND TRAINING

Education and training is important to ensure that all people connected with Warrnambool City Council understand that child safety is everyone's responsibility, and is vital to maintaining a child safe environment.

Our organisational culture aims for all to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns.

Our staff and volunteers will be provided with ongoing training and education to ensure they understand our commitment to child safety.

We will train our staff and volunteers to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse.

7. RECRUITMENT

Warrnambool City Council employs a range of screening measures and applies these standards in the screening and recruitment of employees, contractors and volunteers.

We understand that when recruiting staff, contractors and volunteers we have ethical as well as legislative obligations. Council will comply with all relevant regulatory and legal requirements when recruiting staff to ensure its employees and clients are not placed under unreasonable risk.

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

We carry out thorough reference checks and pre-employment screening, to ensure that we are recruiting with child safety in mind.

8. PRIVACY

While safety and wellbeing of children is our primary concern, Council is committed to protecting an individual's right to privacy.

Unless there is a legislative requirement (for example, if there is a risk of self-harm or a risk to someone's safety), all personal information considered during the process of a report or investigation, will be dealt with in accordance with Council's Privacy Policy.

9. RISK MANAGEMENT

In Victoria, organisations are required to protect children when a risk is identified.

In addition to general occupational health and safety risks, Council will proactively manage risks of abuse to our children by ensuring risk management strategies are in place to identify, assess, and take steps to minimise child abuse risks.

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

10. REPORTING AND RESPONDING TO A CHILD SAFETY CONCERN

We all have a responsibility to report if we have formed a reasonable belief that abuse has occurred.

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

Any inappropriate behaviour will be reported through appropriate channels, including the Department of Health and Human Services and Victoria Police, depending on the severity and urgency of the matter.

Council's Child Safety officers will:

- Act as the first point of contact for receiving reports of child safety concerns or allegations of abuse within Council.
- Support the notification of child safety concerns or allegations to relevant authorities (Police or Child Protection).
- Also refer **Appendix 1 – Flowchart: Child Safety Reporting Process**

Council's Child Safety officers are:

- Director of Community Development
- Manager of Children's and Family Services
- Service Manager Early Years Learning & Development
- Manager of Governance Projects & Risk
- Risk Management Coordinator/Senior Risk Advisor
- Manager of Organisation Development
- Human Resources Coordinator

Where appropriate, following a child safety concern Child Safety officers will:

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

12. ROLES AND RESPONSIBILITIES

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 & 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 councillors, managers, staff, contractors and volunteers in undertaking their child protection responsibilities.

Council's Child Safety officers will:

- Act as the first point of contact for receiving reports of child safety concerns or allegations of abuse within Council.
- Support the notification of child safety concerns or allegations to relevant authorities (Police or Child Protection).
- Assist alleged victims and their families to access counselling and support services.
- Provide support to affected staff through Council's Employee Assistance Program.

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.
- Initiate internal processes to ensure the safety of the child, clarify the nature of the complaint and commence the disciplinary process (if required)
- 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 ongoing education 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.
- 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 policy 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 must report any suspected cases to their direct supervisor.

Labour Hire/Agency workers 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.

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 association/entity with the aim to raise awareness of the legislation and compliance requirements.

13. GOVERNANCE

13.1 Policy Owner & Review

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

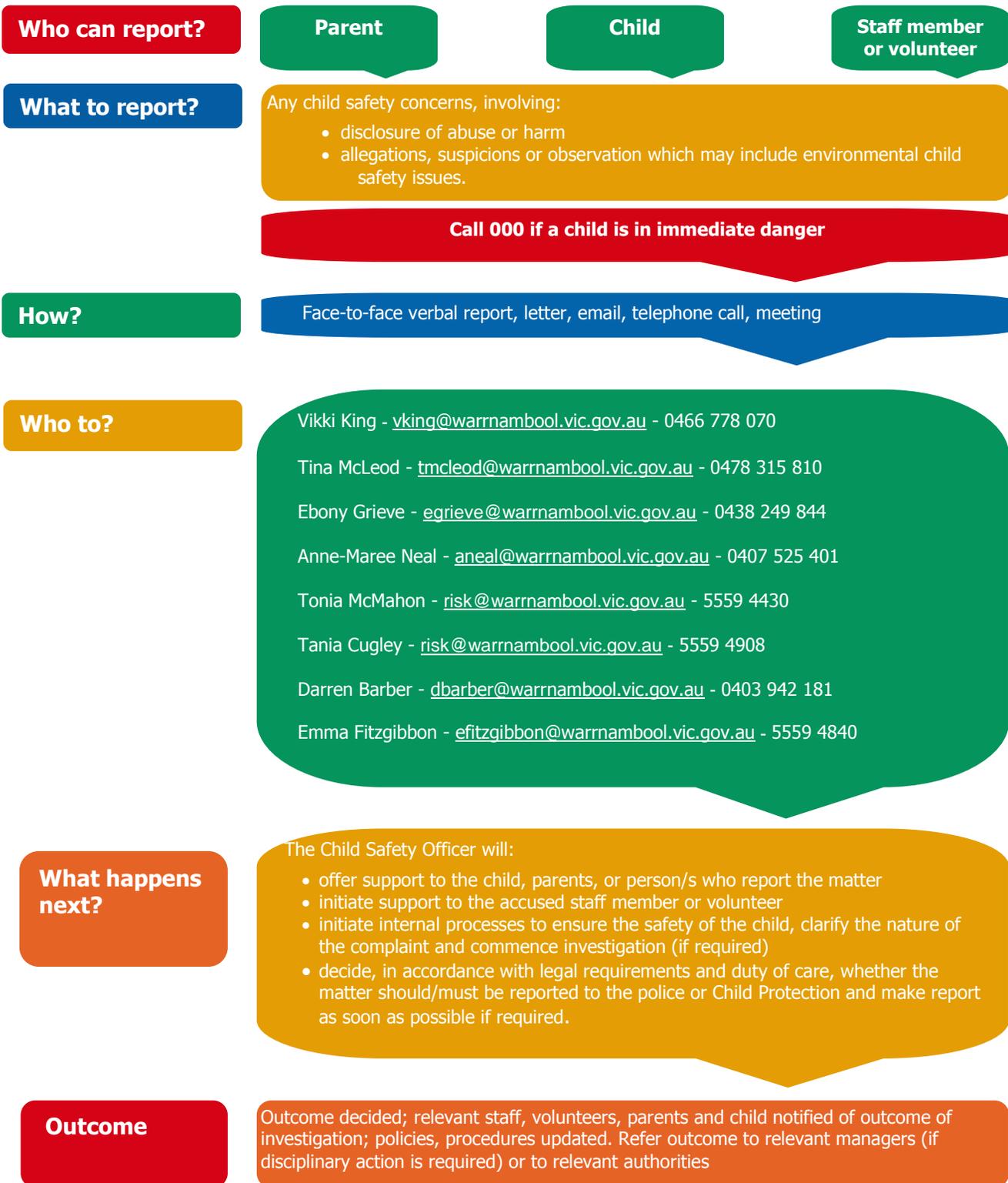
Council will review this policy for any necessary amendments no later three years after its formation or after the last review.

13.2 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).

Warrnambool City 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 REPORT PROCESS



APPENDIX 2: DEFINITIONS & REFERENCES

Definitions:

Term	Definition
The Act	Means the Child Safety and Wellbeing Act 2005
Aboriginal & Torres Strait Islander Child	Mean 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	Mean a person who is under the age of 18
Child abuse	Means any act committed against a child involving: Physical violence, sexual offences, serious emotional or psychological abuse and serious neglect. ⁱⁱ
Child Safe Standards	Means the compulsory minimum standards (enacted pursuant to the <i>Child Wellbeing and Safety Act 2005</i>) which apply to organisations in Victoria that provide services for children to help ensure the safety of children, as follows: <ul style="list-style-type: none"> • Strategies to embed an organisational culture of child safety, including effective leadership arrangements • A child safe policy or statements of commitment to child safety • A code of conduct that establishes clear expectations for appropriate behaviour with children • Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing employees • Processes for responding to and reporting suspected child abuse • Strategies to identify and reduce or remove risks of child abuse • Strategies to promote the participation and empowerment of children
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. ⁱⁱⁱ
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.

<p>Children from culturally and / or linguistically diverse backgrounds</p>	<p>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</p>
<p>Children with a disability</p>	<p>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.</p>
<p>Reasonable Belief</p>	<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.

References

<p>Acts</p>	<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
<p>Guidelines</p>	<ul style="list-style-type: none"> • Victorian State Government’s ‘An Overview of the Victorian child safe guidelines’ http://www.vic.gov.au/news/child-safe-standards-a.html • 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 & Regulation’s ‘Overview of the child safe standards and reportable conduct scheme’ http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/overview+of+child+safe+standards+and+reportable+conduct+scheme • Victorian Department of Justice & Regulation’s Working with Children Check http://www.workingwithchildren.vic.gov.au/utility/home/

ⁱ Further information about the **failure to disclose offence, failure to protect offence and mandatory reporting** is available from the Department of Justice and Regulation's website www.justice.gov.au

- ⁱⁱ **Types of Child Abuse:** Child abuse is any event (action or non-action) that hurts a child or puts them in danger:
- **Physical Abuse** occurs 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.
 - **Sexual Abuse** occurs 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.
 - **Emotional or Psychological Abuse** occurs 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.
 - **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.

ⁱⁱⁱ Cultural Safety of an **aboriginal** child as defined by the Secretariat of National Aboriginal and Islander Child Care www.supportingcarers.snaicc.org.au