

Title:	Child Safe Policy
Type:	Council
Adopted:	24 January 2018
File No:	17/7248
Attachments:	

1. Purpose

This Child Safe Policy (Policy) outlines Council's commitment to Child Safe Standards, to create and maintain a child safe organisation and to promote child safety throughout Council.

2. Rationale

The Policy enables Council to meet its obligations and responsibilities under legislation and embed a culture of child safety across the organisation.

The Policy is intended to enable all representatives of Council to understand their obligations to:

- create a workplace culture that supports child safety for all children
- report their concerns if they suspect a child's safety is at risk
- support a culture that goes beyond protection to one that promotes participation and empowerment of children in Council's activities and operations.

3. Scope

The scope of this Policy covers Council's commitment to the safety and wellbeing of all children with specific attention to the most vulnerable, including Aboriginal children, children from culturally and/or linguistically diverse (CALD) backgrounds and children with a disability.

The Policy applies to all representatives of Council.

4. Definitions - of terms in this Policy and attached procedure

Reference Term	Definition
Child	A person under 18 years of age unless otherwise specified.
Adult	A person 18 years of age or older.
Abuse	Under the Child Safe Standards this term covers child sexual abuse, physical abuse, serious emotional and psychological abuse and serious neglect. Council representatives may develop a reasonable suspicion that a child has been or is being abused.
DHHS – Child Protection	Department of Health and Human Services – Child Protection (and its successors) is the agency designated to oversee, investigate and manage cases of suspected child abuse.
Child FIRST	Child and Family Information, Referral and Support Team (Child FIRST) provides a central referral point to a range of community-based family services and other supports as well as referring to DHHS – Child Protection.
Child Safety Officer	Manager Community Services, and/or Children's Services Coordinator.
Council's Child Safe Standards Working Party	Representatives from various Council departments including Children's Services, Youth Services, Human Resources, Libraries, Environmental Health and Risk Management

Responsible Officer: Manager Community Services/Coordinator Human Resources

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Reference Term	Definition
	involved in reviewing obligations and developing this Policy and associated documents.
Failure to Disclose	'Failure to disclose' is an offence. Legislation requires any adult who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16) to disclose that information to police or DHHS - Child Protection.
Failure to Protect	'Failure to protect' is an offence. If you are in a position of authority in your organisation and suspect a child is at risk of sexual abuse from someone within your organisation, the law requires you to protect the child by reducing or removing the risk. The maximum penalty for negligently failing to protect a child is five years imprisonment.
Grooming	When individuals communicate, including via online communication, with a child under the age of 16 or their parents, with the intent of committing child sexual abuse. The maximum penalty is 10 years imprisonment.
Mandatory Reporters	Mandatory reporting is a term used to describe the legislative requirement imposed on selected classes of people to report suspected cases of child abuse and neglect to Police, DHHS - Child Protection or Child FIRST. Mandated reporters include doctors, nurses (including Maternal and Child Health nurses), midwives, teachers (including early childhood teachers), school principals and police.
Reasonable Belief	<p>'Reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than 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 of a child who states that they have 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 • other circumstances where a child appears upset, afraid or otherwise vulnerable to attention/abuse or an adult appears to have behaved inappropriately towards a child in their company (such as in a public toilet).
Reportable Conduct Scheme	This scheme comes into effect on 1 July 2017 and is in addition to mandatory reporting and disclosure requirements. It introduces additional obligations on the organisation to

Reference Term	Definition
	report to the Commission for Children and Young People any allegations of child abuse or misconduct towards children made against representatives of Council.
Cultural Safety	Cultural safety promotes an organisational 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. It is more than just the absence of racism or discrimination, and more than cultural awareness and cultural sensitivity.
Staff	Includes employees and Council contractors (agencies and individuals who provide services to Council) volunteers and consultants appointed to undertake Council business.
Representatives of Council	Means Councillors and all Council staff (as defined above).

5. Policy

Murrindindi Shire Council is committed to child safety and believes that all children have a right to feel safe.

We support and respect all children.

We are committed to the safety, participation and empowerment of all children.

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

All representatives of Council will be responsible for compliance with the Child Safe Standards.

We will incorporate child safety statements into our Codes of Conduct and promote child safety on our website.

We will report concerns about a child's safety to appropriate authorities.

Representatives of Council will receive appropriate training in order to meet their obligations under this Policy.

We will take all reasonable steps to employ skilled people to work with children.

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be representatives of Council, volunteers, parents or children, unless there is a risk to someone's safety. We will proactively manage potential risks of abuse to our children.

Council will take all allegations of abuse seriously and has practices in place to investigate thoroughly and quickly.

All representatives of Council will be appropriately trained to deal appropriately with allegations.

6. Related Policies, Strategies and Legislation

	Include - Name, Reference and location of reference
Acts	<i>Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)</i> <i>Sex Discrimination Act 1984 (Cth)</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Disability Act 2006 (Vic)</i> <i>Fair Work Act 2009 (Vic)</i> <i>Equal Opportunity Act 1984 (Vic)</i> <i>Victorian Charter of Human Rights and Responsibilities Act 2006</i> <i>Occupational Health & Safety Act 2004 (Vic)</i> <i>Health Records Act 2001</i> <i>Privacy Act 1988</i>
Regulations	Victorian Child Safe Standards
Related Policies	<ul style="list-style-type: none"> • Murrindindi Shire Council Enterprise Agreement 2015 (and any subsequent agreements) • Employee Code of Conduct • Confidentiality and Privacy Policy • Customer Complaints and Feedback Policy • E-mail Policy • Employment and Recruitment Policy • Equal Employment Opportunity Policy • Internal Grievance Resolution Policy • Prevention of Bullying Work Place Violence Policy • Recruitment Policy • Security Checks Policy • Communication and Social Media Policy • Volunteers Policy • Enterprise Risk Management Policy

7. Consultation

This Policy was developed in response to the legislation using the guidelines developed by the Department of Health and Human Services. Research and consultation was undertaken with other Councils developing similar policies. All staff were consulted through display and promotion of the draft Policy on Council's intranet, newsletter and at staff briefings.

8. Human Rights Charter

This Policy has been developed with consideration of the requirements under the Charter of Human Rights and Responsibilities.

9. Council Plan

This Policy supports the Council Plan 2017-2021 Our People objective "to celebrate and encourage diverse, caring and connected communities".

10. Management and Review

This Policy will be reviewed every three years or following significant incidents if they occur. Where appropriate, the community, including families and children, will participate in reviews.

We will facilitate the opportunity for families and children to contribute to this review.

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11. Procedure

11.1 General

We have zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently with our robust policies and procedures.

We have legal and moral obligations to contact authorities when we are worried about a child's safety, which we follow rigorously.

Council is committed to preventing child abuse, identifying risks early, and removing and reducing these risks.

Council has robust human resources and recruitment practices for all staff and volunteers.

We have specific policies, procedures and training in place that support our leadership team, staff and volunteers to achieve these commitments.

11.2 Promoting a Child Safe Culture

Council will ensure that its planning, decision making and operational processes:

- prioritise the welfare of children
- create child safe and child friendly environments where children feel safe and are able to grow, develop and have fun
- actively encourage children to express their views
- consider the empowerment and participation of children in developing policies, processes and programs
- appropriately manage complaints and refer complaints to relevant agencies, where necessary.

11.3 Training and Supervision

Council will provide guidance to staff and volunteers, relevant to their level of contact with children, to meet their obligations under this Policy (see Appendix: Table of Controls).

11.4 Recruitment

Council selection criteria and advertisements will clearly demonstrate our commitment to child safety relevant to the level of contact with children, and an awareness of our social and legislative responsibilities in relation to equitable recruitment and employment practices (see Appendix: Table of Controls).

11.5 Risk Management

Council's risk management processes aim to identify, assess and take steps to minimise safety risks, including child safety risks. Council's risk management processes require risks to be regularly assessed and for known risks to be managed and monitored.

11.6 Allegations, Concerns and Complaints

We work to ensure all children, families, staff and volunteers know what to do and who to tell if they observe abuse, inappropriate behaviour or are a victim. If an adult has a 'reasonable belief' that an incident has occurred, or receives an allegation of abuse, they have a responsibility to report the incident or allegation, otherwise this will be seen as a 'failure to disclose' which may have legal ramifications.

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Factors contributing to reasonable belief may be:

- a child states they, or someone they know, has been abused (noting that sometimes the child may in fact be referring to themselves)
- behaviour consistent with that of an abuse victim is observed
- someone else has raised a suspicion of abuse but is unwilling to report it
- observing suspicious behaviour.

11.7 Abuse Incident Disclosure

If you believe a child is at immediate risk of abuse phone 000.

11.7.1 If a child discloses an incident of abuse to you:

- try and separate them from other children discreetly and listen to them carefully
- let the child use their own words to explain what has occurred
- reassure the child that you take what they are saying seriously, it is not their fault and they are doing the right thing in telling you
- explain to them that this information may need to be shared with others, such as their parent/carer, specific people in your organisation, or the police
- do not make promises to the child such as promising not to tell anyone about the incident. You can tell them that you will do your best to keep them safe
- Do not leave the child in a distressed state. If they seem at ease in your company, stay with them
- provide them with an incident report form to complete, or complete it together if you think the child is able to do this. Alternatively, as soon as possible after the disclosure, record the information using the child's words. Ensure the disclosure is recorded accurately and that the record is stored securely
- report the disclosure to the Child Safety Officer or your Manager, Police or DHHS - Child Protection
- The Child Safety Officer will take responsibility for managing the incident from this point, including any internal and external reporting requirements.

11.7.2 If a parent/carer says their child has been abused in one of our services or raises a concern:

- explain that Council has processes to ensure all abuse allegations are taken very seriously
- ask about the well-being of the child
- allow the parent/carer to talk through the incident in their own words
- advise the parent/carer that you will take notes during the discussion to capture all details
- explain to them the information may need to be repeated to authorities or others, such as the Child Safety Officer, members of Council's Management Team, Police or DHHS - Child Protection.
- do not make promises of any sort at this early stage, except that you will do your best to keep the child safe
- provide them with an incident report form to complete, or complete it together. Ensure the report is recorded accurately and that the record is stored securely
- ask them what action they would like taken

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- depending on the nature of the incident, actions may include:
 - provide information on how they can report to independent agencies such as Police and DHHS – Child Protection
 - Council referral to independent agencies such as Police
 - report to the Commission for Children and Young People under the Reportable Conduct Scheme
 - Council internal investigation following its Performance Management and Discipline Policy.

11.8 Legal Responsibilities

Council takes its legal responsibilities regarding child safety seriously, including its responsibility to protect, disclose and report incidents of child abuse and prevent, detect and report on grooming incidents:

- failure to disclose - any adult who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16) has an obligation to report that information to Police or DHHS - Child Protection or Child FIRST. Failure to disclose the information to Police is a criminal offence
- failure to protect - applies to people who hold a position of authority within organisations who know of a risk of child sexual abuse and have the authority to reduce or remove the risk, but negligently fail to do so
- any personnel who are mandatory reporters must comply with their duties. Mandatory reporters must report to DHHS - Child Protection or Child FIRST if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse
- ensuring policies and processes are in place to prevent grooming through the accumulation of personal information from computer/data access and storage and other technologies
- reporting to the Commission for Children and Young People any allegations of child abuse or misconduct towards children made against staff or volunteers.

11.9 Compliance Responsibilities

Employees & Volunteers

All representatives of Council are responsible for:

- understanding this Policy and their role in protecting children from abuse
- ensuring that their behaviour towards children is safe and appropriate
- ensuring they know how to report an incident or concern and the legal implications of failing to disclose or protect a child.

Supervisors / Managers

Supervisors and Managers are responsible for ensuring that their staff understand this Policy and their responsibilities in relation to child safety including the process for reporting an incident or concern and the legal implications of failing to disclose or protect a child.

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Community Services

The Manager Community Services and the Coordinator Children's Services are responsible for:

- providing advice about this Policy
- evaluating the Policy and its implementation with Council's Child Safe Standards Working Party.

Human Resources

Human Resources is responsible for ensuring staff receive an induction on this Policy and child safety training depending on their roles and responsibilities (see Appendix: Table of Controls).

General Manager Corporate and Community Services

As nominee of the Chief Executive Officer, the General Manager is responsible for the overall implementation and review of this Policy.

Child Safe – Appendix: Table of Controls

	Direct service provision to and contact with children (under 16)	Indirect service provision and contact with children (under 16)	Incidental contact with or services to children (under 16)
Category of requirements relevant to role (as staff or volunteer)	Providing childcare, in home care, maternal and child health programs, library/ educational/recreational programs to children (environmental sessions, work experience, FreeZa, pools).	Providing services such as cleaning and maintaining public facilities frequented by children and potentially vulnerable and/or isolated (eg. public toilets, playgrounds, resource recovery centres etc). Visiting people in private homes where children are/maybe present (local laws, environmental health).	Children attending Council offices, children of staff or volunteers visiting non-public areas of Council offices (eg. staff lunch rooms) whether under parental supervision or not. Services to all people in Murrindindi Shire (which includes but not limited to children).
Recruitment - Working with children check - Crimcheck - Recruitment question: have you ever been charged or found guilty of criminal activity towards children? - Reference check question: do you have any concerns about this person's capacity to work with children?	✓ ✓ ✓ ✓	 ✓	 ✓ - all new employees
Induction - Code of conduct – read and acknowledge - Child Safe Policy – read and acknowledge	✓ ✓	 ✓ ✓	 ✓ ✓

Child Safe – Appendix: Table of Controls

	Direct service provision to and contact with children (under 16)	Indirect service provision and contact with children (under 16)	Incidental contact with or services to children (under 16)
Department/unit specific procedures to protect child safety and promote child empowerment	✓ Procedures and training focus on highest level of care to ensure services are inclusive, safe, empowering: <ul style="list-style-type: none"> • that suspicions of abuse or misconduct are immediately reported • that controls to reduce risks are regularly maintained and audited • that people are regularly trained. 	✓ Procedures and training focus on where services may incidentally impact on child safety, and how to report any suspicions that a child has or is vulnerable to abuse.	x No unit specific procedures. Comply with general obligations under Code of Conduct, and this Policy.
Promote friendly, welcoming inclusive culture that supports child safety at all levels	✓	✓	✓
All policies and procedures, whether specific to children or not, gives consideration to consultation with children and consideration of their rights	✓	✓	✓
Risk management review	Operational risk is reviewed annually	Operational risk is reviewed annually	Operational risk is reviewed annually