

<b>Title:</b>	<b>Child Safety and Wellbeing Policy</b>
<b>Type:</b>	<b>Organisational</b>
<b>Adopted:</b>	27 July 2022
<b>File No:</b>	22/10372
<b>Attachments:</b>	

### **Acknowledgement of Country**

*Council acknowledges the traditional custodians of the land comprising the Murrindindi Shire Council area, and those of our neighbouring municipalities. We pay respect to Elders past and present and celebrate and respect their continuing culture and connection to the land.*

#### **1. Purpose**

This policy outlines Council's commitment to create and maintain a child safe organisation, and to promote the safety of children and young people throughout Council and the community. This includes ensuring that protecting children and preventing and responding to child abuse is embedded in everyday practice.

#### **2. Rationale**

The Policy enables Council to meet its legal and moral responsibilities to embed a culture of child safety across the organisation and promote child safe practices in our community.

Federal and state-based investigations have highlighted the responsibility for all organisations working with children to play a role in preventing and appropriately responding to child abuse. These include *The Royal Commission into Institutional Responses to Child Sexual Abuse* and *the Victorian Government's Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations*. Both found that, historically many organisations were more concerned with the protection of the organisation than the protection of children, which led to serious and horrific consequences for children.

In response legislative changes were made which require organisations to:

- create a workplace culture that promotes and fosters child safety
- report any concerns regarding the safety of children
- promote and engender the participation and empowerment of children.

In 2019, the Department of Health and Human Services (DHHS) undertook a review of the Victorian Standards to ensure they were as strong as possible and to consider how they could better align with the recommendations of the Royal Commission.

In 2020, the DHHS Review recommended several changes to better align the Standards with the National Principles for Child Safe Organisations and made other recommendations to strengthen administration of the Standards. The Victorian Government adopted these recommendations. This policy provides a framework for Council to meet these obligations.

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**3. Scope**

The Policy applies to all Council employees, contractors, volunteers, student/interns 16 years or older, and elected Councillors. It applies to interaction in online and physical spaces.

**4. Definitions**

Reference Term	Definition
<b>Child</b>	A person under 18 years of age unless otherwise specified.
<b>Child Information Sharing Scheme (CISS)</b>	The Scheme enables information sharing between authorised organisations to promote a child's wellbeing or safety. For more information visit this <a href="#">website</a>
<b>Adult</b>	A person 18 years of age or older.
<b>Abuse</b>	Under the Child Safe Standards this term covers child sexual abuse, physical abuse, serious emotional and psychological abuse and serious neglect.
<b>Failure to Disclose</b>	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 DFFH - Child Protection. It is a criminal offence not to do so. For more information visit this <a href="#">website</a> .
<b>Failure to Protect</b>	Legislation requires that people in a position of authority in their organisation who suspect a child is at risk of sexual abuse from someone within the organisation, must protect the child by reducing or removing the risk. It is a criminal offence not to do so. For more information visit this <a href="#">website</a> .
<b>Family Violence Information Sharing Scheme (FVISS)</b>	The scheme enables the sharing of information between authorised organisations to assess and manage family violence risk. For more information visit this <a href="#">website</a>
<b>Grooming</b>	When individuals communicate, including online, with a child under the age of 16 or their parents, with the intent of committing or enabling child sexual abuse.
<b>Mandatory Reporters</b>	The legislative requirement imposed on selected professions to report suspected cases of abuse and neglect to Police, 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.
<b>Reasonable Belief</b>	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 when: <ul style="list-style-type: none"> <li>• a child states that they have been abused or know someone who has been abused.</li> <li>• 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</li> <li>• physical signs of abuse</li> </ul>

	<ul style="list-style-type: none"> <li>a child appears upset, afraid around an adult.</li> </ul>
<b>Reportable Conduct Scheme</b>	<p>Certain organisations (including Council) are required to report any allegations of child abuse or misconduct towards children made against staff or volunteers to the Commission for Children and Young People. Evidence of how the incident was handled is also required.</p> <p>For more information check this <a href="#">website</a>.</p>
<b>Cultural Safety</b>	<p>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. It is more than just the absence of racism or discrimination, and more than cultural awareness and cultural sensitivity.</p>

## 5. Policy

Murrindindi Shire Council is committed to child safety and believes that all children have a right to feel and be safe at all times. We understand the responsibilities and obligations under the Child Safe standards include consideration for a child's wellbeing as well a child's right to be safe from abuse.

Council has made a public statement of commitment to child safety.

### Child Safe Standards

There are 11 Victorian Child Safe Standards, which are:

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 valued
2. Child safety and wellbeing is 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 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 document how the organisation is safe for children and young people.

All staff and leaders understand their responsibilities and will ensure compliance with all 11 Child Safe Standards (the Standards) through a range of proactive measures. See - Operational Procedures for policy management document.

Council will:

- Embed child safe principles and practice into our policies, programs and services
- Support and develop a skilled and ethical workforce
- Promote child safety and wellbeing within our community
- Empower children and young people
- Respond to suspected abuse in a timely and effective manner

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- Listen to and amplify the voices of children and young people
- Monitor and report on our compliance with the Standards
- Recognise the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal children and young people
- Actively support and facilitate participation and inclusion by Aboriginal children, young people and their families
- Ensure families are informed and involved in promoting child safety
- Acknowledge and respect the diverse needs of the children and young people in our community.

While the Standards outline a minimum expectation, Council is committed to driving changes in organisational culture – embedding child safety in everyday thinking and practice and highlighting that everyone can help to keep children safe from abuse.

Although all children are vulnerable, some children face additional vulnerabilities. The Standards require organisations to particularly understand the particular needs of:

- Aboriginal Children
- Children from culturally and/or linguistically diverse backgrounds
- Children with a disability
- Children who cannot live at home
- Children who are LGBTQI.

### **5.1 Regular review**

Council will annually review and report on compliance with the policy and culture of council and identify ways to enhance our practice. We will analyse complaints, concerns and safety incidents to identify causes and systemic failures to inform continuous improvement, and report on the findings of relevant reviews of child safe practices to staff and volunteers, community, families and children, and young people.

### **5.2. Child Safe Officers**

Council will have a minimum of two appropriately trained Child Safe Officers who are available to provide support and advice to anyone with child safety concerns. Their contact details will be promoted on the intranet and on any other child safety collateral that is developed.

Child Safe Officers will support any reporting to police, child protection and the Commission for Children and Young People (the Commission).

The Child Safe Officers will support the monitoring and reporting on Council's compliance with the Standards and culture of child safety.

### **5.3. Child Safe Working Group**

A working group comprising staff from each division across the organisation will be convened every 6 months at a minimum to provide advice and support the consistent and effective implementation of this policy.

The group must comprise the Child Safe Officers, and a representative from Leadership Team.

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#### **5.4. Recruitment**

Council will take all reasonable steps to attract and employ people with the skills and values required to work safely with children. This includes:

- Child safe statement included in position descriptions and advertising
- Recruiting people with appropriate qualifications and experience
- Child safety questions in interviews for positions that interact with children
- Child safety questions in reference checks for positions that interact with children
- Criminal record checks for all employees and volunteers
- Working with Children Checks required for all staff that work with children
- Child safety included in our Code of Conduct which all employees and volunteers are bound by.

#### **5.5 Risk management**

Council will ensure that child safety is a part of its overall risk management approach and is included on the risk register.

Risk management strategies will be in place to:

- Identify, assess and take steps to minimise child abuse risks
- Identify and mitigate risks in online environments without compromising a child or young person's right to privacy, access to information, social connections and learning opportunities
- Promote child safety and wellbeing as well as minimising the risk of children and young people being harmed
- Reduce the risk of abuse from third party organisations engaged by council under contract
- Reduce the risk of abuse from organisations that lease or hire council premises.

Team leaders and coordinators will ensure risk management is carried out for all activities involving children and young people. Identified risks must be reduced as much as possible and plans should be documented and shared with all necessary people.

#### **5.6 Community education and engagement**

Council aims to foster a community who are able to identify and address child safety issues. This includes sharing our Child Safe Commitment on the public website and in public spaces and promoting relevant information including reporting processes at community facilities and in community activities.

Where appropriate, Council will offer children and young people access to sexual abuse prevention programs and to relevant related information in an age-appropriate way.

Council understands and acknowledges the importance of friendships, and support from peers is encouraged to help children and young people feel safe and be less isolated.

#### **5.7 Suspecting abuse and reasonable belief**

Council will have appropriate reporting procedures in place (Operational Procedures for policy management document). All staff will be aware and understand their reporting obligations.

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Staff are not required to have definite knowledge of abuse to report it. If staff form a reasonable belief that a child is being abused, this should be reported as outlined in the Operational Procedures. Some staff are covered by mandatory reporting laws and must report all suspected abuse.

All adults in Victoria are required by law to report suspected sexual abuse of children 16 and under to the police. Failure to do so is a crime.

Further, leaders in organisations who are aware of suspected abuse and fail to take action can also face criminal charges.

### **5.8 Investigating Reportable Conduct**

Reportable Conduct applies to any kind of suspected abuse involving a staff member, whether the suspected abuse occurred while working or not.

Any allegation or suspicion of abuse or child safety concerns regarding a staff member, or volunteer, will be investigated in line with Child Safe Requirements and Council's Performance Management and Discipline Policy. (Operational Procedures for policy management document)

During the investigation, the staff member will not be allowed to work directly with children and will be stood down with pay or moved to alternate duties. The same applies if an employee, volunteer, or contractor is under investigation through another organisation, and Council will acknowledge and respond to those findings.

All staff must cooperate fully with the investigation.

### **5.9 Information Sharing**

Sharing relevant information can be critical to managing child safety. Silos occur when parts of an organisation avoid sharing information with others. Silos can result in risks to children not being picked up and being allowed to continue.

It may also be important for Council to share information with other organisations. The [Child Information Sharing Scheme](#), [Family Violence Information Sharing Scheme](#) and the [Reportable Conduct Scheme](#) allow some authorised organisations to share information with each other to support child wellbeing or safety.

Council will share relevant information as per the Operational Procedures for policy management document.

### **5.10 Empowering children and young people**

Part of keeping children and young people safe means supporting them to understand their rights, contribute to child safety planning, and raise any concerns.

Council will:

- Inform children and young people about their rights, recognising the importance of friendships and encouraging support from peers, to help children and young people feel safe and connected



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- Offer children and young people age-appropriate sexual abuse prevention programs where relevant
- Understand children and young people's diverse backgrounds, circumstances, and needs
- Make any necessary adjustments and provide equal protection to all children and young people
- Consider the needs of children and young people who are unable to live at home as well as lesbian, gay, bisexual, transgender and intersex children and young people.

Council will promote and encourage children and young people's participation in decision-making, value and respect their opinions, seek their views about what makes them feel safe and unsafe, establish an environment of trust and inclusion that enables them to ask questions and speak up if they are worried or feeling unsafe.

This will include seeking broader community consultations, and opportunities for children and young people to shape programs and activities they are a part of.

### **5.11 Engaging families**

Council will:

- Seek the input of families and communities in decisions impacting children and young people
- Involve families and communities where possible in the development and review of their child safe policies and practices
- Communicate effectively with families and communities about how to raise child safety concerns and how the organisation operates
- Take into account the diversity of families and act to reduce barriers to inclusion.

### **5.12 Privacy and confidentiality**

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety.

### **5.13 Support to staff**

An operational procedures document for policy management is available to support staff in the implementation of this policy.

Managing child safety issues can be quite distressing. Council is committed to supporting the wellbeing of those involved in an incident through supervision, debriefs, and referrals to services such as the EAP.

## **6. Related Policies, Strategies and Legislation**

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

*Worker Screening Act (Vic) 2020*

*Crimes Amendment (Protection of Children) Act 2014*

*Racial Discrimination Act 1975 Disability Discrimination Act 1992*

*Disability Act 2006*

*Fair Work Act 2009*

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*Equal Opportunity Act 1984*

*Victorian Charter of Human Rights and Responsibilities Act 2006*

*Occupational Health and Safety Act 2006*

*Health Records Act 2001*

*Privacy Act 1988*

*Wrongs Act 1958*

Victorian Child Safe Standards

Child Safe Standards Schools Guide

Failure to Disclose law

Failure to Protect law

Reportable Conduct Scheme

Interviewing children under the Reportable Conduct Scheme

Murrindindi Shire Council Enterprise Agreement 2015 (and any subsequent agreements)

Employee Code of Conduct

Child Safe Statement of Commitment

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. Council Plan**

This policy aligns with the Council Plan 2021-2025 Our Resilient Communities objective “in collaboration with our community, support our children and young people to be happy, healthy and engaged”.

## **8. Management and Review**

This Policy will be reviewed every four years or earlier as required following any significant incidents or changes to regulations. The Statement of Commitment will be reviewed alongside this policy.

Where appropriate, the community, including families and children, will participate in reviews.

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## **9. Consultation**

This policy was developed in consultation with staff across Council.

## **10. Human Rights Charter**

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

## **11. Gender Impact Assessment**

This policy was developed before assessments had been rolled out across Council. However, it is noted that the workforces most likely to be affected by this policy are largely gender segregated. Community Wellbeing is predominantly women, while Outdoor staff are predominantly men. This may mean we need to consider different approaches in skilling up the workforce.

Furthermore, the Child Safe Standards require organisations to consider intersectionality in creating a child safe organisation. The Working Group will be tasked with considering these issues.