

CHILD SAFE POLICY

Policy Number:	2.1.4
Approved by:	Council
Date Approved:	April 2023
Date of Next Review:	April 2024
Applicable to Unit(s):	Organisation
Responsible Officer:	General Manager Corporate Services
Related Policies:	Volunteer Policy; Recruitment and Selection Policy; Employee Code of Conduct; Privacy Policy
Related Documents:	Not Applicable
Statutory Reference:	<i>Children, Youth and Families Act 2005</i> <i>Child Wellbeing and Safety Act 2005 (Vic)</i> <i>Child Wellbeing and Safety Amendment</i> <i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i> <i>Privacy and Data Protection Act 2014 (Vic)</i> Victorian Reportable Conduct Scheme

OVERVIEW

This policy meets Council's obligations under the Child Wellbeing and Safety Act 2005 – 'A child safe policy or statement of commitment to child safety' as well as ensuring compliance under the 'Reportable Conduct Scheme' with the way that allegations of child abuse are reported.

THE POLICY

The Child Safety Policy aims to ensure that members of the public, children and young people, staff and volunteers are aware of Council's commitment to being a Child Safe organisation, and are aware of their rights and responsibilities. It provides a strategic overview and operational guidance to keep children safe and outlines procedures, practices and responsibilities that support this. This policy applies to all Council facilities and online environments. When children and young people participate in our organisation's activities, programs or facilities, Councillors, employees, volunteers, or contractors fulfil their roles whilst children are present. Wellington Shire's leadership group understands its responsibility to assist all people that work or volunteer with, or on behalf of Council, to acknowledge and appreciate the strengths of Aboriginal culture, and understand its importance to the wellbeing and safety of Aboriginal children and young people.

BACKGROUND

In 2013, the Australian Government established a Royal Commission into Institutional Responses to Child Sexual Abuse. The Royal Commission responded to community concern about widespread reports of cases where Australian institutions failed to protect children from sexual abuse. The Commission's final recommendations emphasised that members of the public, children and young people, parents, carers, families, and communities should feel confident that organisations working with children provide safe environments in which children's rights, needs and interests are met. The National Principles for Child Safe Organisations (the National Principles) put into practice recommendations from the Royal Commission to make organisations across the country safe for children and were endorsed by the Commonwealth and all state and territory governments in 2019. The National Principles set out a nationally consistent approach to promoting a culture of child safety and wellbeing within organisations.

Victoria's Child Safe Standards were first introduced in 2016 and were updated on 1 July 2022 to align more closely with the National Principles for Child Safe Organisations endorsed in 2019.

[Click here to view the 11 Child Safe Standards](#)

[Click here to view the 11 Child Safe Standards – In Children's Words](#)

OUR COMMITMENT TO CHILD SAFETY

- Wellington Shire Council is committed to child safety, takes a proactive approach towards child safety, and has zero tolerance towards child abuse.
- Council is committed to achieving compliance through implementing and monitoring the Child Safe Standards. Council seeks to establish an informed, transparent, safe, and accountable organisation and is committed to preventing child abuse, identifying risks early, as well as removing and reducing these risks. Children should feel safe in regard to their social, physical and online environment, their identity and culture, communication and/or physical attributes, accessibility, and diversity of background.
- We are committed to ensuring children and young people are aware of their rights, including but not limited to;
 - Being safe, and feeling safe wherever they are
 - The right to expect that the adults around them are keeping them safe
 - The right to be given information about how to raise a safety concern
 - The right to be listened to, and for action to be taken

[Click here to view Children's Rights – In Children's Words](#)

In recognition of children's rights, we are committed to the following:

- Document and communicate our commitment to all councillors, staff, volunteers and contractors.
- Having sound processes and procedures for reporting suspected child abuse.
- Educating Council's workforce, councillors, volunteers, contractors and the community about children's safety, including understanding their role and the required standard or behaviour.
- To ensure and empower children to raise concerns about their safety and wellbeing.
- Listen to the voices of children and young people in the community, particularly around delivering programs and/or services.
- Recognise and promote diversity and empowerment of children from culturally and/or linguistically diverse backgrounds
- To ensure that children with a disability are safe and can participate equally in our community
- To promote the cultural safety, participation, and empowerment of children from Aboriginal and Torres Strait Islander backgrounds.
- Making our Child Safe Policy and procedures accessible, digital, online and in forms that are easy to understand.

RECRUITMENT

Wellington Shire Council employs a range of best practice screening measures and applies these standards in the screening and recruitment of employees, contractors and volunteers. Our organisation understands that when recruiting staff and volunteers, we have ethical and legislative obligations. Council complies with all relevant regulatory and legal requirements when recruiting staff to ensure its employees and customers are not placed under unreasonable risk. Council carries out thorough reference checks and pre-employment screening to ensure that we are recruiting with child safety in mind.

WORKING WITH CHILDREN AT WELLINGTON SHIRE COUNCIL

While maintaining a culture of safety is everyone's responsibility, all employees, contractors, and volunteers who have direct contact with children must have a current Working With Children Check (WWCC), unless exempt, for example are registered with the Victorian Institute of Teaching as a teacher, or are a Victorian or Australian Federal Police Officer.

Incidental contact (ad hoc or by chance) with children is unavoidable. It does not mean employees, contractors, and volunteers require a Working With Children Check.

Employees, contractors and volunteers who fail to provide evidence of a current Working With Children Check and who are engaged in a role with direct contact with children or who are required to have a Working With Children Check as a part of their role will be terminated from employment or council engagement.

Councilors may choose to obtain a volunteer WWCC, given their representative role.

Occupational/Volunteer Groups required to hold a WWCC (unless otherwise exempt):

- Leisure services
- Library, Art Gallery, The Wedge theatre
- Environmental Sustainability
- Local Laws and School Crossing Supervisors
- Immunisation Nurses and Environmental Health Officers
- Community Wellbeing (relevant positions working with children or vulnerable people)
- Visitor Information Centres
- Youth Councillors
- Emergency Management staff and volunteers working in relief centres
- Other volunteers associated with Council programs that have contact with children
- Other employees identified by position description requirements
- Vocational placement participants (over 18) working in child-related areas

If an employee is required to hold a WWCC for their position, they will be eligible to receive a reimbursement for the application/renewal fee.

TRAINING

Training is important to ensure that all people connected with Wellington Shire Council understand that child safety is everyone's responsibility and is vital to maintaining a child safe environment that is respectful of cultural backgrounds and diversity.

Council trains all staff and volunteers in child safety, to support staff to identify, assess and minimise risks of child abuse, and to detect potential signs of child abuse.

LEGISLATIVE RESPONSIBILITIES

Wellington Shire Council has a legislated responsibility to uphold the reporting requirements. If a person is unsure whether to report, they should contact the Manager of People & Capability to discuss their concerns, or in the case of councillors, the CEO.

The following are criminal offences;

- **Grooming offence:** Targets predatory conduct undertaken by an adult to gain a child's or their parents' trust with the intent of committing child sexual abuse.
- **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 must report that information to the police.
- **Failure to protect:** People of authority in our organisation will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk but negligently fail to do so. Council provides training to all staff about its legal responsibilities and the Child Safe Standards, including the Reportable Conduct Scheme.

REPORTABLE CONDUCT SCHEME

The Commission for Children and Young People is responsible for administering the Reportable Conduct Scheme, and all Victorian government organisations must comply with the scheme. The Reportable Conduct Scheme has been designed to ensure that the Commission will be aware of every allegation of certain types of employee misconduct involving children in relevant organisations that exercise care, supervision and authority over children. The Commission will share information, where appropriate, with the Department of Justice, relevant regulators and Victoria Police to prevent and protect children from abuse.

The Reportable Conduct Scheme does not replace the need to report allegations of child abuse to Victoria Police and to adhere to Council's **Suspected Child Abuse Reporting Process**.

SUSPECTED CHILD ABUSE REPORTING PROCESS

Who can Report	Parent, Carer, Child, Staff/Volunteer, Community Member		
What to Report	Any concerns or complaints relating to child safety or suspected child abuse If a child is in immediate danger, call 000		
How to Report	Face to face verbal report, letter, email, telephone call, meeting		
Who to Report to	People & Capability team Contact details: childsafewellington.vic.gov.au		
What Happens Next	The authorised person will offer support to the child, the parents/carers, the person who reports, and the person who is accused.	The authorised person will initiate internal processes to ensure the safety of all children. If the complaint is concerning a member of staff or volunteer, People & Capability will clarify the nature of the complaint and commence investigation if required. Otherwise, the authorised person will undertake. Note: Investigation may be undertaken by an external specialist in child safety where necessary.	The authorised person will decide, in accordance with legal requirements and duty of care, whether the matter should/must be reported to police, Child Protection and/or the Commission, and make a report as soon as possible if required.
Outcome	Investigation completed; outcome decided; relevant staff/volunteers, parents/carers, and child notified of outcome of investigation; disciplinary action taken as per internal policies. Policies and procedures reviewed and updated where necessary.		

CONSEQUENCE OF NON-DISCLOSURE AND REPORTING

It is an offence for people within an organisation who are aware of a risk of child abuse and have the authority to reduce, remove or report the risk but negligently fail to do so.

The organisation will refer any individual suspected of harbouring the knowledge of any risk, threat or act of child abuse to Victoria Police.

CHILD ABUSE DEFINITIONS

A Child is defined as any person under the age of 18. Child abuse and neglect commonly involve the misuse of power or authority or a breach of trust resulting in physical, psychological or sexual abuse or neglect.

This policy acknowledges that there is a continuum of abuse of children. All such events, regardless of whether they are regarded as 'harm' or 'abuse', are damaging. Wellington Shire Council accepts the following categories of child abuse as defined by the Department of Health and Human Services (www.dhhs.vic.gov.au) below:

TYPE OF ABUSE	DEFINITION
Physical child abuse	Physical violence can occur when a person intentionally or recklessly uses physical force against, with or in the presence of a child without their consent, which causes or could cause the child harm. Physical violence can be inflicted in many ways, including hitting, punching or throwing something that strikes a child and using threats to use physical harm.
Child sexual abuse	Sexual offences occur 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 their age and development. Child sexual abuse can involve a range of sexual activities, and it can also include exposure to or exploitation through pornography or prostitution, as well as grooming behaviour.
Grooming	Grooming can include communicating or attempting to befriend or purposely establish a relationship or other emotional connection with a child or their family with the intent of committing child sexual abuse.
Emotional or psychological child abuse	Emotional and psychological child abuse may involve persistent verbal abuse, coercive or manipulative behaviour, hostility towards a child, humiliation, belittling or scapegoating, resulting in a child feeling worthless or rejected. Severe emotional or psychological harm often decreases a child's sense of identity, dignity or self-worth, creating a severe risk of being impaired. Psychological harm has a long-term cognitive impact that may affect the child's mind. Psychological harm may not be noticeable immediately however, it may present issues later in life and maybe a diagnosable psychological disorder.
Neglect	Severe neglect is the 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 likely to be, jeopardised.

ALLEGATIONS, CONCERNS, OR COMPLAINTS

If an employee, contractor or volunteer has a reasonable belief that an incident involving a child has occurred, then they must report the incident following Council's **Suspected Child Abuse Reporting Process**. All allegations of child abuse and safety concerns will be actioned immediately as per the required reporting processes.

Where there is an allegation of child abuse, Council is within their rights to stand down an employee on full pay from all duties pending the outcome of an investigation. Volunteers and Contractors will be stood down immediately.

All reports and records are securely stored with Human Resources and provided to relevant government agencies on request. If an allegation of abuse or a safety concern is raised, Council will communicate the progression of all reportable actions and outcomes with the families of the affected children.

KEY ROLES AND RESPONSIBILITIES

ROLE	RESPONSIBILITIES
All employees	<ul style="list-style-type: none">• Complete compulsory training;• Conduct work according to the requirements of the Child Safe Policy, the reporting procedures and the Code of Conduct;• Report all concerns regarding child safety or harm to People & Capability in accordance with reporting process; and• Where a child is in immediate danger, call 000.
Managers and Coordinators	<ul style="list-style-type: none">• Receive reports of child safety concerns or allegations of abuse within Council and immediately report them to People & Capability;• Offer support to the child, parents and the person who reports, as well as the accused employee or volunteer; and• In conjunction with People & Capability, initiate an internal review of the service area where the alleged abuse occurred, identifying gaps and weaknesses in supervision.
Hiring Managers recruiting for child-related roles (including contractors)	<ul style="list-style-type: none">• Ensure employees, contractors and volunteers have access to and are aware of the Child Safe Policy and procedures;• Ensure that new employees, contractors or volunteers complete the compulsory induction process on commencement with Council; and• Conduct recruitment practices in line with Council's recruitment selection guideline requirements for child-related work.
People & Capability	<ul style="list-style-type: none">• Provide information to all Hiring Managers and Panellists regarding the Child Safe Standards for child-related work (recruitment);• Ensure all new employees and volunteers have a valid WWCC card before the commencement of any child-related work;

- | | |
|--|--|
| | <ul style="list-style-type: none"> • Ensure all current employees and volunteers maintain a valid WWCC where required; • Receive complaints, concerns, disclosures from staff and community regarding child safety; and • Investigate (or coordinate external parties to do so) complaints and concerns, providing support to those affected. |
|--|--|

PROMOTING EQUITY AND DIVERSITY

Staff and volunteers must ensure their interactions with children and young people are sensitive, respectful and inclusive of all backgrounds and abilities. Wellington Shire Council is committed to promoting the safety, participation and empowerment to children and young people who are Aboriginal or Torres Strait Islander, from culturally and/or linguistically diverse backgrounds, have a disability, LGBTQI+ and who are unable to live at home to actively engage and/or participate in child-related programs and events and feel free to express and enjoy their cultural rights.

DISCRIMINATION

It is an expectation that staff and volunteers treat all children and young people fairly, equally and with dignity. All actions and behaviours by staff or volunteers must be non-discriminatory and always act in the best interest of the child or young person.

Wellington Shire Council encourages that no child or young person is discriminated against based on age, gender, race, colour, language, disability, religion, political or other opinion, sexual orientation, or national or social origin. Everyone has the right to feel safe and free from discrimination.

FAIRNESS AND DUE DILIGENCE BY INVESTIGATION

The safety and wellbeing of children within our community is our primary concern. Council will ensure fairness, equity, and exercise due diligence to investigate reports of child abuse or suspected child abuse. Council understands the diverse circumstances and needs that children and young people may have, particularly through an investigation or complaints process, and will take particular attention to the needs of those who are at disadvantage. In some cases Council may appoint an external investigator, who specialises in child safety, to investigate complaints or allegations. In all cases, Council will ensure support is provided to all involved in the process, including the provision of child-friendly resources.

The decisions we make when assessing incidents and undertaking disciplinary action will always be thorough, transparent, and evidence-based.

PRIVACY AND RECORD KEEPING

Council is committed to protecting an individuals' 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. The nature of the records kept will include complaints made, including concerns raised about the safety of children and disclosures about alleged abuse or harm of children, and the actions taken.

REGULAR POLICY REVIEW

This policy will be reviewed annually and following significant incidents if they occur.

BREACH OF POLICY

Any breach of this policy by an employee, contractor or volunteer will be considered serious misconduct, and action will be taken in accordance with Council's disciplinary and termination procedures.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Annual review
2.0	Major update	Legislative update to align revised policy with updated Child Safe Standards