

# MPP – 052 Child Safe Organisation

TRIM Reference: D16/75844 Due for Review: 20 January 2022  
Responsible Officer: Manager Community Strengthening

## Purpose

This policy outlines Surf Coast Shire Council's (Council) commitment to help our community and environment to thrive by being a child safe organisation with zero tolerance for child abuse. It recognises our legal and moral obligation to keep children and young people safe from harm, to promoting their best interests and to report suspected cases of child abuse to the police.

## Scope

This policy applies to all employees, contractors, volunteers of council and children and young people using council services and their families. The focus of our work is on children under the age of 18.

## Policy Principles

This policy and related procedures support the implementation of requirements under the Child Wellbeing and Safety Act 2005 for Council, to ensure that:

- the Commonwealth Child Safe Framework and the 10 National Principles are understood and embedded across Council services and programs that interact with families and children; and
- we respond to allegations of child abuse (and other child-related misconduct) made against our employees, contractors and volunteers, and notify the Commission for Children and Young People of any reportable allegations.

We have a commitment to the culture of safety of Aboriginal and Torres Strait Islander children, culturally and linguistically diverse children, and to the safety of children with a disability. We aim to create enriching experiences for young learners and want children to feel safe, happy and empowered.

We have specific policies, procedures and training in place to support employees, volunteers and contractors to achieve these commitments. We create environments where all children have a voice and are listened to, their views are respected and they contribute to how we plan for, design and develop our services and activities.

## Policy

The Child Safe Framework (the National Child Safe Principles) and the Reportable Conduct Scheme have been developed in response to the findings of the Betrayal of Trust enquiry which identified a number of serious failures of organisations to prevent and respond to abuse, an over reliance on the Working With Children Check (WWCC) and inconsistencies and gaps in organisations policies and procedures.

Under the *Child Safety and Wellbeing Act 2005*, Victorian organisations that provide services to children, including Councils, are required to implement the 10 National Child Safe Principles and to report any reportable conduct by an employee, volunteer or contractor within three business days to the Commission for Children and Young People.

Council is committed to complying with the Child Safe Framework and the Reportable Conduct Scheme.

The overarching goal of this policy is to lead and create within Council, a culture of safety for children that reduces opportunities for harm and provides. It has complementary clear processes to be followed when concerns about child safety are raised or reports of abuse are made.

Council's policy commitment spans seven key themes:

1. Commitment to child safety
2. Valuing diversity
3. Children's rights to safety and participation
4. Expectations for appropriate behaviour with children
5. Human resource practices that reduce the risk of child abuse by new and existing personnel
6. Support for personnel
7. Risk management

The above themes are further outlined in detail in the Child Safe Organisation Fact Sheet (D20/150151)

### **1. Reporting a child safety concern or complaint**

Where any employee, volunteer or any person in a position of authority in the organisation forms a reasonable belief that a child or young person's health, safety or wellbeing is at risk, that staff member must take immediate action to report concerns. Council has established processes and reporting templates to support employees, volunteers, contractors and management in making a report.

If the reported concern involved an employee, contractor or volunteer of Council, our processes for reporting concerns also includes the need to report the incident to the Commission for Children and Young People, under the Reportable Conduct Scheme.

All Council employees, volunteers and contractors are required to participate in any investigation as a result of a reportable allegation, with the police or any other authority or body. All criminal matters will be reported to the police.

Under the Crimes Amendment (Protection of Children) Act 2014 it is a criminal offence for an adult to fail to protect or disclose a sexual offence against a child aged of 16 years or younger.

### **2. All Council staff/contractors/volunteers**

#### Responsibilities of employees/contractors/volunteers

In the event that a reasonable belief is formed about the abuse and / or neglect of a child in the care of the Surf Coast Shire, action is to be taken to address such alleged abuse or neglect immediately.

Employees, volunteers and contractors with concerns have a responsibility to report immediately to their line supervisor/manager or contract supervisor, and seek advice on the relevant course of action. Council's Child Safe Reporting Process (D20/29985) and Reporting Form (D17/54211) provide additional information on the reporting process and responsibilities. Staff employed in Council's Early Years and Youth Unit will also have additional reporting requirements under their funding and service agreements with State and Federal Government departments or as a mandated reporter.

Where an employee is unsure and would like to seek further advice regarding their concerns they are advised to do one or more of the following;

- Discuss their concerns with their immediate supervisor, coordinator or manager.
- Contact one of Council's Child Safety Officers who have been trained in this area and will be able to offer assistance on steps to take. A list of Child Safety Officers is available on the intranet or by phoning Customer service on 5261 0600
- Seek phone advice and support about appropriate action from Child FIRST on 1300 551 948 or the Child Wise National Child Abuse Helpline on 1800 99 10 99 about their concerns.

#### Responsibilities for supervisors/managers

Where an employee, volunteer or contractor forms a reasonable belief that a child has been abused/neglected, their supervisor or a Child Safety Officer will support them to make a report to Child Protection and/or the police.

### 3. Reportable Conduct Scheme

The Reportable Conduct Scheme applies to the conduct of any employee aged 18 years or older who is employed or engaged by Council and includes employees, volunteers, contractors, office holders, etc. The Scheme applies to all employees within or connected to Council, even if their work does not directly relate to children.

All reportable allegations will be referred to the Manager People and Culture or Coordinator of Human Resources to determine who is the most appropriate person (internal or external) to investigate the allegation. The strictest confidentiality will be maintained at all times and all allegations managed in a sensitive manner. All Council employees, volunteers and contractors are required to participate in any investigation as a result of a reportable allegation, with the police or any other authority or body. All criminal matters will be reported to the police.

### Definitions

**Child/Children and Young people;** In Victoria, under the Child Safety and Wellbeing Act 2005 a child or young person is a person under eighteen years of age.

**A child in the care of Surf Coast Shire;** refers to any child under the age of 18 accessing services provided directly by Surf Coast Shire, including activities that may be supervised by volunteers or contractors Child Safety Officer; All Coordinators and Team Leaders within the Early Years and Youth Department have been identified and trained as Child Safety officers for Surf Coast Shire.

**Child Safety Officer;** An officer who is able to guide you if you have any child safe concerns see Child Safety officers for Surf Coast Shire (D20/26222).

**Child FIRST;** Child FIRST can provide consultation as to the suitability of a referral to Family Services in relation to concerns about a child's safety, health and wellbeing or the need to report these concerns to Child Protection.

**Child Protection;** Department of Health and Human Services (DHHS) Child Protection services protect children and young people from significant harm resulting from abuse or neglect and to ensure that they receive services that deal with the impact of abuse and neglect on their well-being and development.

**Child abuse;** The World Health Organisation (1999) defines child abuse as: Child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

**Failure to disclose;** any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

**Failure to Protect;** Where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

**Mandatory reporting;** Mandatory reporting is the legislative requirement to report suspected cases of child abuse and neglect to government authorities. In Victoria, people registered as Principals, Teachers, Nurses, Medical Practitioners and Police are specifically named in this legislation. Reporting can be made to Child First or Child Protection. In addition any adult that forms a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person of or over the age of 18 years must disclose that information to a police officer as soon as it is practicable to do so, unless the person has a reasonable excuse for not doing so.

**Misconduct that may involve Reportable Conduct;** a behaviour that breached a professional code of conduct or workplace expectation (such as a departure from accepted standards that was deliberate or seriously negligent and where the employee was indifferent to the welfare of those affected), and also involves one or more of the five types of reportable conduct.

**Reasonable Belief;** A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it is not the same as having proof and does not require certainty.

**Reportable Allegation;** A reportable allegation is made where a person makes an allegation, based on a reasonable belief, that an employee or volunteer has committed reportable conduct or misconduct that *may* involve reportable conduct. This includes where a reportable allegation is made against the head of the organisation.

**Reportable Conduct;** There are five types of 'reportable conduct' listed in the *Child Wellbeing and Safety Act 2005*:

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- physical violence (against, with or in the presence of, a child)
- behaviour that is likely to cause significant emotional or psychological harm
- significant neglect.

**Volunteer;** means to enter into an agreement, either verbally or in writing, for a person to provide a service without that person (the volunteer) receiving financial gain. There is no minimum period for the engagement.

A reportable allegation can only be made against a volunteer if they have been engaged by an organisation covered by the scheme.

### Types of Child Abuse

**Emotional abuse and Psychological abuse;** The failure of caregivers and adults to nurture a child and provide them with the love and security that they require, and where a child's environment and relationships with caregivers are unstable, coercive or unable to support the child's healthy development.

**Neglect and negligent treatment:** Where a child is deprived of essential needs, such as love, nutrition, clothing, warmth, shelter, security, protection, medical and dental care, education and supervision.

**Physical abuse:** The infliction of bodily injury upon a child which is not accidental.

**Family violence:** Where one partner uses violence, and the threat of violence, to control their partners, children and other family members.

**Sexual abuse:** The involvement of a child in any sexual activity with an adult, or with another child who is in a relationship of responsibility, trust or power over that child. Sexual abuse includes, but is not limited to, the manipulation or coercion of a child into sexual activity, child prostitution and child pornography.

### Records

Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
Incident reports and child protection notifications	Records	Until the child turns 25 years	Off-Site
Council's Child Safe Reporting Process (D17/110949)	Records	Until the child turns 25 years.	Electronic
Reporting Form (D17/54211)	Records	Until the child turns 25 years.	Electronic

### Related Procedure

- HR 01 Recruitment & Selection
- HR 02 Working With Children and Criminal History Checks
- HR 03 Induction
- HR 07 Discipline
- HR 19 Performance Review & Development
- HR-21 Grievance Policy and Procedure
- HR 24 Code of Conduct
- HR 31 Family Violence Policy
- HR 33 Customer Complaint Resolution & Dealing with Aggression
- D15/35312 Early Years Child Safe Environment Policy
- D14/28563 Early Years Sexualised Play/Behaviour Work Instructions
- D20/26222 Child Safety Officers Contact List - Updated February 2020
- D17/54211 Child Safe Reporting Form
- D20/29985 Surf Coast Shire Child Safe Reporting Process
- D20/150151 Child Safe Organisation Fact Sheet

### References

Minchin, L. (2016) Criminal Law Reform and Child Safe Standards; Preschool Matters, Early Learning Association of Australia.

Child Wellbeing and Safety Act 2005

<https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/030>

Retrieved 17 May 2020

State of Victoria, Commission for Children and Young People. (Dec 2015) *A Guide for Creating a Child Safe Organisation*. V 2.0 <http://www.ccp.vic.gov.au/downloads/creating-a-childsafe-organisation-guide.pdf>

Retrieved 5 Aug 2016

National Principals for Child Safe Organisations

<https://childsafe.humanrights.gov.au/national-principles>

<https://www.humanrights.gov.au/sites/default/files/National%20Principles%20for%20Child%20Safe%20Organisations.pdf> Retrieved 3 February 2020

Commonwealth Child Safe Framework

<https://pmc.gov.au/sites/default/files/files/pmc-child-safe-framework.pdf>

retrieved 12 February 2020

Blue Knot Foundation; empowering recovery from childhood trauma. What is child abuse?

<http://www.blueknot.org.au/WHAT-WE-DO/Resources/General-Information/What-is-child-abuse>

Retrieved 5 August 2016

Australian Human Rights Commission; (1990) Convention on the Rights of the Child

<https://www.humanrights.gov.au/convention-rights-child> Retrieved 5 August 2016

<https://www.humanrights.gov.au/our-work/childrens-rights/national-principles-child-safe-organisations>

Retrieved 3 February 2020

World Health Organisation (1999) Child Maltreatment [http://www.who.int/topics/child\\_abuse/en/](http://www.who.int/topics/child_abuse/en/)

Retrieved 5 August 2016

Commission for Children and Young People <https://ccyp.vic.gov.au/child-safety/>

Retrieved 22 November 2017.

### Document History

Version	Document History	Approved by – Date
1	Approved	EMT – 13 December 2017
2	Approved	EMT- 24 August 2020