

MPP – 052 Child Safe Organisation Policy

TRIM Reference: D22/176330 Due for Review: 27 March 2027
Responsible Officer: Manager People and Culture

Purpose

This policy outlines Surf Coast Shire Council's (Council) commitment to being a child safe organisation for the safety and wellbeing of all children in the community.

We recognise that we all play an important role in protecting children, especially if we have concerns for a child's safety. We promote a culture that reduces the opportunity for harm to children, and we have procedures to follow when someone raises concerns about child safety or reports abuse.

Policy Statement

Council is committed to being a child safe organisation and has zero tolerance for child abuse. We recognise our legal and moral responsibilities in keeping children and young people safe from harm and promoting their best interests.

Council recognises the cyclical relationship between gender-based violence and child safety. The UN recognises violence against women and children as both a *manifestation* of gender inequality and a *mechanism* by which unequal gender power differences are reinforced. Council commits to both improving gender equity outcomes and promoting child safety.

Policy Commitment

Council will communicate our commitment to safeguarding children and young people by ensuring that this policy is publicly accessible to members of the public, including children and their families.

We will ensure that each individual involved in the delivery of Council services understands their obligations around protecting children from harm, and their adherence to this policy.

Scope

This policy applies to all individuals who conduct work for, or are connected to Council, in a paid or unpaid capacity. This includes Councillors, all staff, volunteers, trainees, direct contractors, and consultants.

This policy applies to all activities run by Council, which involve, result in, or relate to contact with children and young people.

Policy Principles

This policy demonstrates Council's commitment to the safety and wellbeing of children and alignment to the Victorian Child Safe Standards. The following outlines these standards and the responsibilities, procedures and practices required by Council.

Child Safe Standards

The 11 Victorian Child Safe Standards 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.

Responsibilities

Council acknowledges that safeguarding children and young people is a shared responsibility. We aim to ensure that a culture of child safety is understood, endorsed, and put into action by all individuals that work for, volunteer, or support our programs and services.

The following responsibilities are assigned under this policy:

The CEO is accountable for ensuring that Council is compliant with the Child Safe Standards and Reportable Conduct Scheme. As the head of Council, the CEO is required to:

- Respond to a reportable allegation made against a worker or volunteer of Council, by ensuring that allegations are appropriately investigated;
- Report allegations which may involve criminal conduct to the police;
- Ensure the CCYP is notified of any reportable conduct allegations as required;
- Ensure that Council has systems in place to:
 - Prevent reportable conduct from being committed by a worker or volunteer within the course of their employment;
 - Enable any person to notify the head of a reportable allegation;
 - Enable any person to notify the CCYP of a reportable allegation involving the head; and
 - Investigate and respond to a reportable allegation against a worker or volunteer from Council.

General Managers are responsible for:

- Notify The Commission for Children and Young People (CCYP) of allegations within three business days after becoming aware of the allegation;

- Provide the CCYP with certain detailed information about the allegation within 30 days after becoming aware of the allegation;
- After the investigation has concluded, provide the CCYP with certain information including a copy of the findings of the investigation,

Managers and Coordinators are responsible for:

- Monitoring compliance with this policy and associated procedures within their departments
- Ensuring staff undertake regular mandatory training on child safety based on compliance information provided by P&C;

This policy's application to Council employees and other representatives is implemented and monitored by Council's Executive Management Team (EMT).

Councillors must adhere to the Victorian Child Safe Standards and related legislation. Councillors will respect, listen to, and promote the rights of children and ensure behaviour and interactions with children are age appropriate, respectful and adhere to the behavioural expectations outlined in the Child Safe Standards.

People & Culture is responsible for reviewing and monitoring implementation of this policy, managing Council's Disciplinary Procedures, and Working With Children and Criminal History Check Policy. People & Culture is responsible for ensuring the availability of training for staff, and supporting staff to cope with child safe incidents through Council's Employee Assistance Program (EAP) services. People and culture are responsible for monitoring employee completion of mandatory training and currency of working with children checks. Manager of People & Culture is responsible for reporting to EMT on Child Safety and communicating any reportable conduct allegations to the CEO to report to CCYP.

Council's nominated People and Culture Child Safety Officer is responsible for:

- The implementation of this policy and associated child safe procedures
- The provision of specialist advice regarding child safe matters
- Assisting Councillors, employees and other representatives to make reports of child abuse/harm
- The coordination and support of the Child Safe Working Group
- Reviewing incident statistics regarding Child Safety
- Monitoring training delivery
- Establishing a plan for future action
- Communicating information about the Standards to Administrators and/or Councillors, employees and other representatives
- any other duties that arise in relation to Child Safety and the Reportable Conduct Scheme.

Supervisors and Managers are responsible for leading implementation of the Child Safe Standards, monitoring employees and other representatives' compliance with this policy in their work, educating and training them appropriately in child safe practices related to their role, and assisting them with reporting of child safe matters.

Council's Leadership Group has a responsibility to help everyone involved with Council to acknowledge and appreciate the strengths of First Nations culture and understand its importance to the wellbeing and safety of First Nations children.

The Child Safe Working Group is responsible for:

- Building Council's child safe capacity
- Offer advice to employees who have concerns about child safety
- Linking with external and internal stakeholders

Employees and other representatives are responsible for complying with their responsibilities under this policy and associated child safe procedures, assisting management with the implementation of this policy and for reporting and responding to child safety issues.

Contract Managers are responsible for monitoring contractor compliance with their responsibilities under this policy and Council procurement requirements.

Contractors are responsible for ensuring they have appropriate and compatible child safety policies and processes in place that meet all legislative requirements and Council procurement requirements, and for ensuring that any child safety issues that arise during their service provision to or on behalf of Council are reported to the Council officer responsible for the contract.

Diversity and Inclusion

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

First Nations children accessing our services will be actively encouraged to express and celebrate their culture. We will ensure that our staff and volunteers understand the importance of Aboriginal culture, and what our approach is in dealing with any instances of racism.

Training and Employee Recruitment

Council ensures that all employees, Councillors, volunteers, and direct contractors are aware of their obligations in relation to child safety.

We ensure that our recruitment and selection processes are robust and follow best practice in relation to child safety to ensure that all reasonable steps are followed to minimise the risk of inappropriate individuals infiltrating our organisation.

Our staff and volunteers are made aware of their child safeguarding responsibilities. They are informed of:

- Their role in keeping children and young people safe;
- How to recognise signs of child abuse and neglect;
- How to respond if they have been made aware of a disclosure, observation or concern of abuse or neglect; and
- How to make a report.

We have specific policies, procedures, and training in place to support employees, Councillors, volunteers, and contractors to achieve these commitments.

Risk Management and Governance

Council recognises the importance of a robust risk management approach and sound governance to minimising the potential for child abuse or harm to occur and use this to inform our policies, procedures, and activity planning. Risk management procedures and governance arrangements

will support a focus on considering potential risks to children and adopting strategies to protect them from harm. Council's senior leadership team will regularly review our performance in delivering child safety and wellbeing.

Children's Rights

Council is committed to promoting the participation and empowerment of children and young people.

We will inform children and young people of their rights, such as those outlined in the *United Nations Convention on the Rights of the Child (CRC)* including:

- The right to participate and be heard;
- The right to be safe and not harmed by anyone;
- The right to live and grow up healthy;
- The right to express their views and have a say about decisions that affect them; and
- The right to information, such as information about policies and procedures that affect them.

Council acknowledges the importance of listening to the voice of children and will actively engage and consult with them on decisions that impact them. We will 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. We will ensure that children and young people are able to initiate their own complaints in an accessible and culturally safe manner.

Reporting

Council understands the significant reporting obligations required under the Child Safe Standards and the Reportable Conduct Scheme (RCS).

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 individual must take immediate action to report concerns. If there is a concern that a child is in immediate danger, police must be contacted immediately.

Council has established processes and reporting templates and procedures to support employees, volunteers, contractors, and management in making a report.

All Council employees, volunteers and contractors are required to participate in any investigation because 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.

If a reasonable belief is formed about the abuse and / or neglect of a child in the care of Council, 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 Flow Chart (D24/59326) and Reporting Form (D17/54211) provide additional information on the reporting process and responsibilities. Staff

employed in Council's Early Years, Child and Family Health and Youth Units 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 help on steps to take. A list of Child Safety Officers is available on the intranet or by phoning Customer service on 5261 0600.

If an allegation is raised against an employee / volunteer or contractor of the Surf Coast Shire, in addition to reporting the allegation to the Police or Child protection, a report must be made to the Commission for Children and Young People (CCYP) within 3 days in line with the Reportable Conduct Scheme (RCS).

Types of reportable conduct include:

- Sexual offences - against, with or in the presence of a child/young person;
- Sexual misconduct - against or in the presence of a child/young person;
- Physical violence - against or in the presence of a child/young person;
- Any behavior that causes significant Emotional or Psychological Harm to a child; and
- Significant Neglect of a child.

Allegations must be reported even if:

- The individual does not have direct contact with children and young people at work.
- The conduct occurred within, or outside the workplace.
- They are historic allegations.

Definitions

Child / Young person: 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 Council: refers to any child under the age of 18 accessing services provided directly by Surf Coast Shire Council, including activities that may be supervised by volunteers or contractors.

Child Safety Working Group: A group of trained officers who can guide you if you have any child safe concerns. Refer to Child Safety Officers for Surf Coast Shire (D20/26219).

Child Protection: Department of Families, Fairness and Housing's Child Protection services protect children and young people from significant harm resulting from abuse or neglect ensuring that they receive services that deal with the impact of abuse and neglect on their well-being and development.

Failure to Disclose: Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16 has an obligation to report that information to Police. Failure to disclose the information is a criminal offence.

Failure to Protect: Applies to individuals who hold a position of authority within organisations who are aware of a risk of child sexual abuse by someone within the organisation. They have the authority 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 individual was indifferent to the welfare of those affected) and involves one or more of the five types of reportable conduct.

People and Culture Child Safe Officer: Nominated officer part of the People and Culture team to implement this policy and associated child safe procedures.

Reasonable Belief: A reasonable belief that a child or young person needs protection, or their safety and wellbeing is at risk, is formed:

If a reasonable person in the same position would have formed the belief on the same grounds. It does not require proof.

A 'reasonable belief' may be formed through disclosures, observations, or other information of which you have become aware.

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.

Volunteer: A Volunteer is an individual whose time is willingly given for the common good and without financial gain (*Volunteering Australia 2016*).

Types of Child Abuse

While most sources define types of abuse per below, it can be misleading to think that these happen independently of each other. Given the complexity of issues and how interwoven they are, children will usually experience multiple, interrelated forms of abuse and neglect.

- **Physical Abuse** - when a person purposefully injures or threatens to injure a child.
- **Emotional Abuse** - when a child is repeatedly rejected, ignored, shamed in front of others, or frightened by threats.
- **Neglect** - failure to provide the child with the necessities of life, such as food, clothing, shelter, supervision, medical attention, or care to the extent that the health, safety, or development of the child is significantly impaired or placed at risk.
- **Sexual Abuse** - When a child is used by an adult, another child or adolescent for their own sexual stimulation or gratification. These can be contact or non-contact acts, including grooming by perpetrators, inappropriate touching, penetrative abuse, and exposure to pornography and accessing child abuse material. Perpetrators of sexual abuse use their age, size, authority, or position of trust to engage a child into a sexual activity.

- **Family Violence** – when a person’s behaviour towards family members includes physical violence, threats, verbal abuse, emotional or psychological abuse, sexual abuse, financial and social abuse. A child being forced to hear, witness or otherwise be exposed to the effects of family violence constitutes child abuse.
- **Grooming** – Many perpetrators of sexual abuse against a child or young person create relationships with their victim, family, or careers. The grooming offence occurs when a person over 18 years of age communicates in any way with a child or young person under the age of 16 years or with a person who has care, supervision or authority for a child or young person, with the intention of subsequent sexual activity with a child or young person.

Records

Council is committed to protecting an individual’s right to privacy. All personal information recorded during the reporting, responding and investigation process will be managed in accordance with Council’s Privacy and Data Protection Policy.

Records will be retained in accordance with the recommendations from the Public Records Office Victoria.

The *Limitation of Actions Act 1958* (Vic) was amended in 2015, removing all limitation periods that apply to civil actions for damages founded on child sexual abuse. This means that Victorian public sector offices cannot destroy any records which are reasonably likely to be needed for civil action legal proceedings, for at least the life of the child and possibly longer.

Key Linkages

Surf Coast Shire policies comply with the *Victorian Charter of Human Rights and Responsibilities*. This policy is also linked with the following documents and legislation:

International

- *United Nations Convention on the Rights of the Child*, 1989

Victorian

- *Child Wellbeing and Safety Act 2005*
- *Children Youth and Families Act 2005*
- *Public Records Act 1973*
- *Family Violence Protection Act 2008*
- *The Child Safe Standards*
- *The Reportable Conduct Scheme*
- *The Gender Equality Act 2020*

Surf Coast Shire

- *Code of Conduct*
- *Employee Induction Checklist*
- *Recruitment and Selection Policy*
- *Working With Children and Criminal History Checks*
- *Discipline Policy*
- *Performance Review and Development*
- *Grievance Policy and Procedures*
- *Equal Opportunity and Workplace Behaviours Policy*
- *Prevention of Sexual Harassment Policy*
- *Family Violence Leave Policy*
- *Child Safe Reporting Form*
- *Child Safe Flow Chart*
- *Child Safe Organisation Fact Sheet*
- *Family Violence Policy*
- *Child Information Sharing Scheme and Family Violence Information Sharing Scheme Policy*
- *Early Years Child Environment Policy*
- *Customer Complaint Resolution & Dealing with Aggression Policy*
- *Volunteers Policy*
- *Privacy and Data Protection Policy*
- *Procurement Policy*

Related Procedure

HR 19 Performance Review & Development
 D14/28563 Early Years Sexualised Play/Behaviour Work Instructions
 D20/26219 Child Safety Officers Contact List

Document History

Version	Document History	Approved by – Date
1	Approved	EMT - 24 August 2020
2	Approved	EMT- 10 October 2022
3	Approved	EMT – 27 March 2024

Appendix

Policy Context

Over the past decade, there has been significant research into child abuse in organisations, including the Victorian Government's Betrayal of Trust Inquiry, and the Royal Commission into Institutional Responses to Child Sexual Abuse. This important research has resulted in the recommendation and implementation of wide-ranging initiatives that aim to reduce the risk of children being exposed to or experiencing harm, in organisation settings.

On 1 January 2016 the Child Safe Standards were introduced in Victoria. These are minimum standards to protect the safety of children in organisations, and apply to all organisations providing services for children, including Council. Under this legislation and the criminal law, Council is required to actively manage child safety issues. Council and its Councillors, employees, volunteers, and other representatives have significant obligations to protect children from harm.

On 1 July 2022 the Child Safe Standards were expanded from 7 Standards to 11 Standards in order to provide more clarity for organisations and ensure greater consistency with Standards nationally. Key changes include new areas of focus:

- To involve families and communities in organisations' efforts to keep children and young people safe;
- For a greater focus on safety for Aboriginal children and young people;
- To manage the risk of child abuse in online environments; and
- In relation to governance, systems, and processes to keep children and young people safe.

The new 11 Victorian Child Safe Standards are outlined on page 2 of the Policy above.

In 2017 the *Child Wellbeing and Safety Act 2005* was amended to delegate power to the Commission for Children and Young People (CCYP) to oversee The Reportable Conduct Scheme (RCS). The RCS came into effect on 1 January 2017, with Council coming into scope of the scheme on 1 January 2018.

The RCS is a notification scheme, which requires organisations to respond to allegations of child abuse made against their workers, volunteers, direct contractors, and office holders either within work duties or outside of work duties, and to notify the CCYP of these allegations.

The RCS sits alongside the other reporting processes such as Child Protection, the criminal law (Police) and mandatory reporting. It does not replace the need to report allegations, such as criminal conduct and family violence, to the Police or Child Protection. The RCS requires Council to:

- Have in place systems to prevent child abuse;
- Ensure any allegations of child abuse can be brought to the attention of appropriate persons for investigation and response as soon as possible; and
- Ensure the CCYP is notified and given updates on Council's response to an allegation.

Council is committed to complying with the Child Safe Standards and the RCS. The overarching goal of this policy is to lead and create a culture of safety for children that reduces opportunities for harm and to provide clear processes to be followed when concerns about child safety are raised or reports of abuse are made.

Together, the Child Safe Standards and RCS aim to drive cultural change so that protecting children from abuse is embedded in our everyday thinking and practice.