



Southern Grampians
SHIRE COUNCIL

Child Safe Policy 2021

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CHILD SAFE POLICY

The *Child Wellbeing and Safety Act 2005* sets the legislative basis for the Child Safe Standards (the Standards).

1. INTRODUCTION

The Standards are a compulsory framework that support organisations to promote the safety of children by requiring them to implement policies to prevent, respond to and report allegations of child abuse. The standards are designed to drive cultural change and embed a focus on child safety by placing children's rights and wellbeing at the forefront of the organisation's mind.

The standards are supported by the Reportable Conduct Scheme and are administered by the Commission of Children and Young People (the Commission), who oversee and monitor compliance with the schemes.

2. ABOUT THE STANDARDS

The Standards require organisations to have:

1. Strategies to embed an organisational culture of child safety, through effective leadership arrangements;
2. A Child Safe Policy or Statement of Commitment to Child Safety;
3. A Code of Conduct that establishes clear expectations for appropriate behaviour with children;
4. Screening, supervision, training and other human resource practices that reduce the risk of child abuse by new and existing personnel;
5. Processes for responding to and reporting suspected child abuse;
6. Strategies to identify and reduce or remove risks of child abuse;
7. Strategies to promote the participation and empowerment of children.

When implementing the standards, Council must be guided by the following principles:

- The cultural safety of Aboriginal children;
- The cultural safety of children from culturally and/ or linguistically diverse backgrounds;
- The safety of children with a disability.

3. ABOUT THE REPORTABLE CONDUCT SCHEME

The Reportable Conduct Scheme aims to improve organisations' responses to allegations of certain types of misconduct involving children, committed by their workers and volunteers. It imposes legal obligations on heads of organisations to have systems in place to prevent child abuse, and if child abuse is alleged, to ensure allegations are brought to the attention of appropriate persons for investigation and response.

The Commission must be notified and given periodic updates on the organisation's response to the allegation. The legislation allows the Commission to appropriately share information with the Working with Children Check Unit, relevant regulators, and Victoria Police to better prevent and protect children from abuse, and to trigger an assessment of whether that person is suitable to continue to work or volunteer with children.

4. APPLICATION

This policy applies to all Southern Grampians Shire Council Councillors, employees, volunteers, contractors and individuals, irrespective of whether or not they work with or have direct contact with children.

The Victorian Reportable Conduct Scheme seeks to improve organisations' responses to allegations of child abuse and neglect by their workers and volunteers but the Reportable Conduct Scheme does not replace the need to report allegations of child abuse, including criminal conduct and family violence to Victoria Police.

5. DEFINITION OF KEY TERMS

Aboriginal child or children refers to anyone under the age of 18 who identifies as Aboriginal and or Torres Strait Islander.

Child abuse is any action towards a child or young person that harms or puts at risk their physical, psychological or emotional health or development. Child abuse can be a single incident or a number of different incidents that take place over time. In Victoria abuse is classified into seven types:

1. Physical abuse
2. Sexual abuse
3. Grooming
4. Emotional or psychological harm
5. Neglect
6. Family Violence
7. Children exhibiting inappropriate sexual behaviour.

Child or children is inclusive of anyone under 18 years of age, including the unborn child. It is not intended to diminish any emphasis on risks to adolescents by not using the term 'young people'.

Child or children with a disability refers to any physical, sensory, neurological disability, acquired brain injury, intellectual disability or developmental delay that affects a child's ability to undertake everyday activities.

Child in need of protection refers to the legal definition of a child in need of protection as defined in the Children Youth and Families Act 2005.

Child safety in the context of this policy means measures to protect a child from abuse.

Child safe organisation is defined by the Commission for Children and Young People as one that recognises cultural differences and does not reduce a child's right to be safe, or the organisation's responsibility to protect the child from harm.

Child sexual abuse is used to delineate this type of abuse from others and is used in the context of criminal offences and reporting duties specifically related to child sexual abuse.

Councillor means an elected Councillor of the Southern Grampians Shire

Culturally and/or linguistically diverse child or children means a child or children who identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language, language spoken at home, or because their parents identification on a similar basis.

Direct contact refers to either physical contact, face-to-face-contact, written, oral and/or electronic communication with children.

Employee refers to all people acting as representatives of Council including: full time, part time, casual and agency employees, contractors, volunteers and students.

Mandated reporters refers to Council's Maternal and Child Health (MCH) Nurses and Early Childhood Educators who are legally required to report concerns for a child's safety to Child Protection Services (DHHS).

Non-mandated reporters refer to all other Council officers who form a reasonable belief that a child has suffered, or is likely to suffer abuse or harm, has an ethical and professional duty to report their concerns to the appropriate authorities.

Reasonable belief is not the same as having proof, but is formed if a reasonable person in the same position would have formed a belief on the same grounds, for example:

- a child states that they have been abused;
- a child states that they know someone who has been abused (they might be referring to themselves)
- someone who knows a child states that the child has been abused
- professional observations of a child's behaviour or development leads that person to form the belief that the child has been abused
- signs or indicators of abuse leads to a belief that the child has been abused.

Supervisor refers to an employee members immediate line manager within the organisational structure.

PREVENTION

6. COMMITMENT TO CHILD SAFETY

Southern Grampians Shire Council has a zero-tolerance approach to child abuse and is committed to creating and maintaining a child safe and child friendly organisation where all children are valued and protected from abuse.

Council will demonstrate this commitment by:

- Providing clear standards to Councillors, employees, volunteers and contractors.
- Empowering children through engagement and involvement when making decisions.
- Inclusion of child safe practices in the recruitment processes.
- Regular review and auditing of child safe practices.

7. CREATE A CULTURE OF CHILD SAFETY

Council will prioritise the safety of children in their care, build child safety into everyday thinking and practice and support the diversity of children's needs.

Council will regularly monitor and improve performance against all of the standards and encourage openness to talk about difficult subjects and decisions, to identify mistakes and learn from them.

8. RISK MANAGEMENT

Council identify and manage risks as per the SGSC Risk Policy and Framework.

Council will take a preventative risk management approach by identifying and assessing risks. Any risks identified in complaints, reports or allegations of abuse will be reviewed and incorporated into the relevant risk register.

The following elements are to be included in Council's risk register:

- All identified risks of child abuse are actively reduced by designing and implementing appropriate preventative measures.
- Risk management plans are documented for all existing and new activities and facilities.
- Councillors, employees, contractors and volunteers are to be made aware of their responsibility for identifying risks of child abuse and their obligation to work with management on reducing those risks.
- Risk management plans are living documents that are updated as required, referred to regularly, and reviewed periodically.

9. RECRUITMENT

Council's commitment to child safety is demonstrated through robust human resources, recruitment and vetting practices during the application and interview process when recruiting employees and volunteers.

These practices include but are not limited to:

- Requirement to have or obtain a current Working with Children Check before commencement for applicable positions
- Conducting police and reference checks
- Including a statement of commitment to child safety in job advertisements
- Including child safe questions in pre-interview screening, interview and referee checks

10. EDUCATION AND TRAINING

Council will provide education and training as part of Council's induction process, which will include Child Safe Standards and Code of Conduct information.

Current employees are required to complete a child safe training module annually and attend induction updates as scheduled.

RESPOND

Council will provide a clear and succinct procedure for Councillors, employees, contractors and volunteers to be able to respond in an appropriate and timely manner if they hold a reasonable belief that a child has been harmed or is in danger.

This procedure will include but is not limited to:

- How to identify the type of abuse
- Who to report the incident or disclosure to
- What information needs to be documented and where it needs to be stored
- Where to access support if needed

Council will immediately act on the allegation as per the Council's Child Safe Policy and Procedure, Child Safe Standards and the *Child Wellbeing and Safety Act 2005*.

REPORT

Council will set out clear guidelines for employees, contractors and volunteers in its Child Safe Procedure in regard to:

- Who can report;
- Who to report an alleged incident to;

- When to report; and
- What to do if a report is made against an employee, volunteer, contractor or councillor.

11.CEO RESPONSIBILITIES

The head of an organisation (Chief Executive Officer) is the person who is primarily responsible for an organisation's compliance with the Reportable Conduct Scheme.

Section 16M of the *Child Wellbeing and Safety Act 2005* requires the head of an organisation to initially notify the Commission of a reportable allegation within three business days and update the Commission of progress within 30 calendar days.

12.COMPLIANCE

Compliance with this policy is mandatory.

Employees must bring any instances of non-compliance to the attention of their direct supervisor and Victoria Police as outlined above. Behaviour that endangers children or is in contravention of this policy is taken seriously and is considered as serious misconduct and non-compliance with Council's Codes of Conduct.

13.CHARTER OF HUMAN RIGHTS

It is considered that this policy is compatible with the relevant human rights identified in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

14.GENDER EQUALITY COMPLIANCE

It is considered that this policy is compatible with the relevant gender equality principles identified in the *Gender Equality Act 2020*.

Is a Gender Impact Assessment required?

- Yes
- No

A Gender Impact Assessment is not considered necessary for this policy. The *Child Wellbeing and Safety Act 2005* sets out standards organisations are required to adhere to, this policy does not set a policy position, rather, it makes a commitment to the ways in which Council will meet its statutory obligations outlined in the Act.

15.REVIEW

This policy will be reviewed at least every four years or in-line with legislative change.

16.COMMENCEMENT

This policy was adopted {INSERT DATE} and is the second version of Council's Child Safe Policy.

Previous revisions:

6 March 2018