

Child Safety and Wellbeing Policy

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1. Purpose

This policy outlines Council's commitment to the safety and wellbeing of children and the promotion and protection of children's rights, taking into account the legislative requirements for Council to comply with Victorian Child Safe Standards.

2. Scope

This policy applies to Councillors, employees and volunteers of Towong Shire Council, involving all Council activities which involve, result or relate to contact with children.

3. Policy Details

3.1. Policy Context

The updated Child Safe Standards came into force in Victoria on 1 July 2022, requiring all Victorian organisations that provide services or facilities to children to comply with the Standards. This means that all Councillors, employees and volunteers involved in the provision of services or facilities to children must comply with the Child Safe Standards. The Child Safe Standards are comprised of eleven standards and have been designed with specific requirements:

- 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.

3.2. Child Safe Standards

The eleven standards are as follows:

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.

3.3. Policy Statement

Towong Shire Council has a zero tolerance for Child abuse and will continue to resume responsibility for children in our direct care. We aim to create a child safe and child friendly environment where children feel safe and empowered. Towong Shire Council's HR practices support this Policy however implementation is the responsibility of all staff to ensure a Child Safe culture is adopted. All children who attend Council facilities have a right to feel and be safe.

3.4. Reporting

3.4.1. Overview

All Councillors, employees and volunteers of Towong Shire Council have a responsibility when conducting Council activities which involve, result or relate to contact with children, to report any significant concern for the wellbeing of a child or have reasonable belief that a child is at risk of being harmed as a result of abuse or neglect.

Where children are recognised or thought to be not adequately protected from significant harm, Council will report the matter to the relevant authorities in accordance with the Reportable Conduct Scheme (Procedure 3.4.2).

Where Council have identified significant concern for the wellbeing of a child, but do not believe they are at risk of significant harm, and where the immediate safety of the child will not be compromised, the matter will be reported directly to the Department of Families, Fairness and Housing for further investigation (Procedure 3.4.3).

3.4.2. Reportable Conduct Scheme

To improve oversight of how organisations prevent and respond to allegations of child abuse, the Victorian Government introduced a reportable conduct that commenced on 1 July 2017. The scheme requires centralised reporting to the Commission for Children and Young People by relevant organisations of allegations of child abuse and misconduct towards children made against their workers or volunteers.

The reportable conduct scheme requires allegations of suspected criminal conduct to be reported to Victoria Police as the first priority and maintains the primacy of an investigation by Victoria Police of any allegations of criminal misconduct. The following conduct is defined to be reportable conduct under the reportable conduct scheme:

- 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);
- Behavior that causes significant emotional or psychological harm; or
- Significant neglect.

Procedure

If a Councillor, staff member, volunteer or any other person covered by this policy forms a reasonable belief that reportable conduct has taken place, the following procedure must be followed:

1. The individual who has formed the reasonable belief must immediately notify the Chief Executive Officer and complete a Council Incident Form to forward to your OH&S representative.
2. If the Chief Executive Officer determines the matter is of a criminal nature, they must immediately notify Victoria Police
3. The Chief Executive Officer must also notify the Commission for Children and Young Persons in line with the Reportable Conduct Scheme Procedure. Notification to the Commission must take place within 3 business days so personnel concerned must act quickly and decisively.
4. The Chief Executive Officer will support the Police and Commission with investigations and also ensure appropriate internal actions are taken place in line with Council procedures report.

Reasonable grounds for belief is a belief based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

Towong Shire Council will follow the Reportable Conduct Procedure in all cases of reportable conduct. It is an offence for council to fail to notify and update the Commission about reportable allegations.

3.4.2. Child FIRST and the Orange Door Initiatives

It is mandatory for any staff member to make a report to Child Protection if a child is considered to be at risk or potential risk (abuse or neglect). Child FIRST is a less interventionist service providing family guidance and support and may be an appropriate reporting avenue where the risk of harm (abuse or neglect) is not present but concerns for child wellbeing remain.

Each Child and Family Information, Referral and Support Team provides a central referral point to a range of community-based family services and other supports within each of the Child FIRST catchment areas. Factors which affect a child's safety, stability or development are:

- Significant parenting problems that may be affecting the child's development;
- Serious family conflict, including family breakdown;
- Families under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement;
- Young, isolated and/or unsupported families; or
- Significant social or economic disadvantage that may adversely impact on a child's care or development.

Child FIRST, as the access point for family services, is progressively transitioning to The Orange Door. The Orange Door is the new access point for women, children and young people who are experiencing family violence, or families who need assistance with the care and wellbeing of children to access the services they need to be safe and supported.

Procedure

If a Councillor, staff member, volunteer or any other person covered by this policy is significantly concerned about the wellbeing or safety of a child and where the immediate safety of the child will not be compromised, the following procedure must be followed:

1. The individual who has concern for the wellbeing and safety of a child must immediately notify their Director or the Chief Executive Officer and complete a Council Incident Form to forward to your OH&S representative.
2. After relaying the concern to the Director or the Chief Executive Officer, contact the Child FIRST referral phone number for the Towong local government area on 1800 271 157.
3. The Director of Community and Planning and/or the Chief Executive Officer will continue to support the Child FIRST team and other Government stakeholders with follow up actions or requests.

3.5. Valuing Diversity

We value diversity and do not tolerate any discriminatory practices. To achieve this we:

- Promote the cultural safety, participation and empowerment of Aboriginal children and their families;
- Promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds and their families;
- Welcome children with a disability and their families and act to promote their participation; and
- Use recruitment practices that encourage staff from diverse cultural backgrounds.

3.6. Recruiting staff and volunteers

Towong Shire Council's HR practices apply best practice standards in the recruitment and screening of staff and volunteers.

Candidates are interviewed and we conduct referee checks on all potential employees. We also require police checks for all new employees and volunteers and Working with Children Checks for relevant positions.

The below commitment to child safety and our screening requirements are included on our website:

"We are a Child Safe and equal opportunity employer. Applications from Aboriginal and Torres Strait Islander peoples and culturally and linguistically diverse backgrounds are encouraged to apply

Positions that have direct contact with children must provide referees who can comment on their experience working with children. A valid Working with Children Check must be provided and a police check is mandatory."

3.7. Supporting staff and volunteers

Towong Shire Council offers a safe working environment for all employees. We provide support and regular work plan reviews so employees feel valued, respected and their contributions are recognised. Staff and volunteers are supported in the process of reporting child safety concerns.

Council has a Work Place Bully and Harassment Policy to support whistle blowing. The policy provides guidance when reporting improper conduct by Councillors, Council officers or employees. Council is committed to the aims and objectives of the *Public Interest Disclosures Act 2012*. The Council does not tolerate improper conduct, or the taking of reprisals against those who come forward to disclose such conduct.

3.8. Risk Management

We recognise the importance of a risk management approach to minimising the potential for child abuse or harm to occur and use this to inform our policy, procedures and activity planning. In addition to general occupation health and safety risks, we proactively manage risks of abuse to our children.

Incident forms have been developed by Council to capture alleged or confirmed concerns to enable further investigation. The Incident forms are further presented at Council's monthly OH&S meeting to ensure an accurate record is maintained and to allow for further investigation or intervention as required.

3.9. Child safety and wellbeing concerns, complaints and allegations

Council takes all concerns, complaints and allegations related to child safety and wellbeing seriously and has practices in place to investigate thoroughly and quickly. Council works to ensure all children, families, staff and volunteers know what to do and who to tell if they observe possible signs that a child's safety or wellbeing is at risk.

Council has in place mechanisms for children, families, staff and volunteers to raise child safety and wellbeing concerns, complaints and allegations, and will make families aware of how to raise child safety concerns.

- Concerns are to be raised with the supervisor of the service in the context in which the concern arose, for consideration and response.
- Complaints are to be raised using council's Complaint Handling Policy.
- Allegations are to be raised with the supervisor of the staff member, volunteer or contractor, unless it meets the definition of reportable conduct, in which case the reportable conduct process in the Reportable Conduct Procedure will apply.

Steps will be taken to ensure these procedures are adapted to be child friendly where they directly involve a child. Council will use information from concerns, complaints and allegations inform continuous improvement in its endeavor to provide for child safety and wellbeing.

4. Deployment

The Chief Executive Officer and Director Community and Planning shall be authorised to enforce this policy and implement across all service areas of Council. Child protection is a shared responsibility between Council, all employees, workers, contractors, associates, and members of the Towong Shire community. If any person believes a child is in immediate risk of abuse, it must be reported to the relevant authority (Ref 3.4).

The deployment of this policy together with the results achieved will be reviewed at least annually.

5. Privacy and Confidentiality

The Council will deliver this policy in line with its Privacy Policy commitments.

The identity of a reporter to Child Protection Authority or a referrer to Child FIRST or The Orange Door must remain confidential, unless:

- The reporter or referrer chooses to inform the child or family of the report or referral;
- The reporter or referrer consents in writing to their identity as the reporter being disclosed;
- A court or tribunal decides it needs this information in order to ensure the safety and wellbeing of the child; or
- A court or tribunal decides that in the interests of justice the evidence needs to be given.

6. Human Rights Charter

This policy has been considered in relation to the Victorian *Charter of Human Rights and Responsibilities Act 2006* and it has been determined that it does not contravene the Charter.

7. Breaches

Failure to comply with this Council policy, supporting procedures or guidelines, will be subject to investigation which may lead to disciplinary action. Breaches will be reported to the next scheduled Audit and Risk Committee and the Chairperson may be informed in advance for major or high risk breaches.

8. Relevant Legislation and Policies

This policy should be read in conjunction with all other relevant Council policies and procedures, as well as relevant legislative requirements.

Other related legislation includes:

- *Victorian Child Safety and Wellbeing Act 2005*
- *Disability Act 2006*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Children, Youth and Families Act 2005*
- *Commission for Children and Young People Act 2012*
- *Crimes Act 1958*
- *Privacy & Data Protection Act 2014*
- *Public Records Act 1973*
- *Public Interest Disclosures Act 2012*
- *Working with Children Act 2005*
- The United Nations Convention on the Rights of the Child

Other related guidelines or policies include:

- Recruitment Policy and Procedure
- Privacy Policy
- Communications Policy
- OH &S Policy
- Complaints Policy
- Employee Code of Conduct
- Councillor Code of Conduct
- Public Interest Disclosure Policy

9. Definitions

Term	Definition
Aboriginal child	A person under the age of 18 who: <ul style="list-style-type: none"> • is of Aboriginal and/or Torres Strait Islander descent • identifies as Aboriginal and/or Torres Strait Islander, and • is accepted as Aboriginal and/or Torres Strait Islander by an Aboriginal or Torres Strait Islander community
Child	A child or young person who is under the age of 18 years.
Child wellbeing	In the context of the child safe standards, child wellbeing means a child being comfortable, healthy and happy. This includes through inclusion, empowerment, participation and respect
Cultural competency	A set of congruent behaviors, attitudes and policies that come together in a system, agency or among professionals that enable them to work effectively in cross-cultural situations
Cultural safety for Aboriginal children	The positive recognition and celebration of cultures. It is more than just the absence of racism or discrimination, and more than cultural awareness and cultural sensitivity.
Cultural safety for children from culturally and/or linguistically diverse backgrounds	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, of who they are and what they need. Efforts need to be made to ensure the culturally and/or linguistically diverse children and their families receive information in a culturally sensitive, relevant and accessible manner, including in relevant community languages.
Emotional abuse	Emotional abuse occurs when a child or young person is repeatedly rejected, isolated or frightened by threats or witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the

	behavior of the child or young person is disturbed or their emotional development is at serious risk of being impaired. Psychological or emotional abuse may occur with or without other forms of abuse. The child or young person may develop personality or behavioral disorders, or become filled with self-doubt and internalised rage, unable to form sustained and intimate relationships. There are few physical indicators, although emotional abuse may cause delays in emotional, or mental or even physical development.
Neglect	Neglect includes a failure to provide the child or young person with an adequate standard of nutrition, medical care, clothing shelter or supervision to the extent where the health or development of the child is significantly impaired or placed at serious risk. A child is neglected if they are left uncared for over long periods of time or abandoned. Two types of neglect are discussed below.
Physical violence	Any act of physical violence committed against, with or in the presence of a child, including actual physical violence or apprehended physical violence. Apprehended physical violence is behavior or conduct that is capable of causing a child to think that physical force is about to be used against them or another person.
Serious neglect	A significant, deliberate or reckless failure to meet the basic needs of a child in circumstances where the adult understood the needs of the child, or could have understood those needs if they had turned their mind to the question, and had the opportunity to meet those needs but failed to do so. It can be supervisory neglect (eg, a person responsible for the care of a child is unable or unwilling to exercise adequate supervision or control of the child, or failed to seek or comply with appropriate medical treatment), physical neglect (eg, a failure to meet a child's physical needs including the provision of adequate and appropriate food, clothing, shelter or physical hygiene needs), educational neglect (eg, a failure to ensure that a child's formal education needs are being met) or emotional neglect (eg, a failure to provide adequate nurturing, affection, encouragement and support to a child).
Sexual assault	Any act which exposes a child to, or involves a child in, sexual processes beyond their understanding or contrary to accepted community standards, and includes a sexual offence or sexual misconduct or grooming for a sexual offence.
Sexual misconduct	Conduct that is misconduct, is of a sexual nature and occurred against or in the presence of a child.
Sexual offence	Includes sexual assault, indecent acts, possession of child abuse material and grooming for a sexual offence.



Authorised by: _____

Juliana Phelps
Chief Executive Officer