

## Child Safety and Wellbeing Policy

*Yarriambiack Shire Council encourages a working environment which promotes gender equality and models non-violent and respectful relationships.*

### 1 Objective

Yarriambiack Shire Council is committed to complying with the 11 Child Safe Standards (Standards) introduced by the Victorian Government, setting out the compulsory minimum standards for organisations that provide services for children and young people (or are used by children and young people), to help protect them from harm.

This policy is intended to ensure that all employees, volunteers and contractors (staff) engaged by Council are aware of its commitment to create and maintain a child safe environment that meets the Standards.

### 2 Responsibility

This policy applies to all staff, Volunteers and Contractors and to the broad range of situations where interaction with children and young people may occur in the delivery of Council's services (Refer to section 6 for list of Roles and Responsibilities).

### 3 Policy Statement and Scope

This policy affirms Council's commitment to providing a child safe and child friendly environment for all children and young people who engage with Council's service.

Council recognises, respects and promotes its duty of care to keep children safe from abuse from those associated with Council, and commits to ensuring the safety of children as a priority. Council values diversity and will not tolerate child abuse or discriminatory practices.

Council pays particular attention to the safety and cultural safety of the following groups of children, in recognition of their increased vulnerability, and diverse and unique identities and experiences:

- Aboriginal and/or Torres Strait Islander children and young people;
- children from culturally and/or linguistically diverse backgrounds;
- children with a disability;
- children who identify as lesbian, gay, bisexual, trans and/or intersex;
- children who are non-binary or gender diverse;
- children in and out of home care and youth justice.

### 4 Council's approach to Child Safety

In continuing to implement and promote a child safe system of work, Council will:

- a) develop an environment in which children feel listened to, valued and their concerns are acted upon, including encouraging and allowing children to participate in decisions important to them;
- b) consult with staff and other appropriate parties, including families and children;
- c) proactively assess and manage the risk of abuse to children who interact with Council, including through recruitment practices and in online environments;
- d) take a proactive approach to child safety, including fostering a culture of openness that supports all staff to report any concerns of child safety through (see part 10 below);
- e) report suspected abuse, neglect, or mistreatment promptly to the appropriate authority, whether the law requires reporting;

- f) ensure children know the options available to them if they are concerned or feeling unsafe, and foster an environment whether children are safe to raise such concerns;
- g) recruit staff who are suitable to work for children (see further at 9 below) and provide high quality training, supervision and professional development to staff;
- h) have policies, procedures and supports in place to reflect these commitments, and review these on a regular basis.

## 5 The Child Safe Standards

This policy is supported by Council’s commitment to deliver the 11 Child Safe Standards.

**Standard 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.

**Standard 2** – Child safety and wellbeing is embedded in organisational leadership, governance and culture.

**Standard 3** – Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.

**Standard 4** – Families and communities are informed and involved in promoting child safety and wellbeing.

**Standard 5** – Equity is upheld, and diverse needs respected in policy and practice.

**Standard 6** – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

**Standard 7** – Processes for complaints and concerns are child focused.

**Standard 8** – Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.

**Standard 9** – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.

**Standard 10** – Implementation of the Child Safe Standards is regularly reviewed and improved.

**Standard 11** – Policies and procedures document how the organisation is safe for children and young people.

## 6 Roles and Responsibilities

Roles	Responsibilities
<b>Councillors</b>	<ul style="list-style-type: none"> <li>• Familiarise themselves with this policy and the Child Safe Standards</li> <li>• leadership for the good governance of Council by acting as a responsible partner in fostering and developing an organisational culture that has zero tolerance for child abuse.</li> </ul>
<b>Chief Executive Officer</b>	<ul style="list-style-type: none"> <li>• Lead the embedding of child safety and wellbeing through the implementation and maintenance of the Child Safe Standards.</li> <li>• Ensure Council has effective mechanisms in place to support and respond to children’s diverse needs and provide access to complaint processes.</li> </ul>

Roles	Responsibilities
<b>Executive Leadership Team</b>	<ul style="list-style-type: none"> <li>• Support the Chief Executive Officer to embed and deliver the Child Safe Standards.</li> <li>• Ensure Council has in place and implements robust child safety procedures that protect children from child abuse and suspected or alleged instances of child abuse are reported, fully investigated and communicated to relevant stakeholders.</li> <li>• Provide support to employees, contractors and volunteers in undertaking their child protection responsibilities.</li> <li>• Identify and embed Child Safe Standards in council procedures to ensure the safety of children in council-led activities and council-owned premises where activities involving children and young people occur.</li> <li>• Eradicate or minimise risks to children and young people in delivery of services, amenities or programs through assessment and development of management plans.</li> <li>• Ensure complaints and concerns of child safety are managed in line with council policies and procedures.</li> <li>• Ensure employees are educated about child safety and wellbeing, including the prevention and detection of child abuse, and attend any relevant training when it is provided.</li> <li>• In the case of a complaint, offer support to the child, the parents, the person who reports and the accused staff member, contractor, or volunteer.</li> </ul>
<b>Manager People and Culture</b>	<ul style="list-style-type: none"> <li>• Embed the principles of the Child Safe Standards in Council procedures including recruitment and pre-employment screening processes, regarding Police Checks and WWCC.</li> <li>• Provide education to employees and volunteers in the Child Safe Standards, Child Safe and Wellbeing Policy, including incorporation of child safety in Council's induction process.</li> <li>• Ensure staff and volunteers understand and promote child safety strategies and promote how to raise safety concerns through council procedures.</li> <li>• Monitor the organisation's strict adherence to procedures as they apply to Child Safe Standards and take appropriate action when a non-compliance arises.</li> <li>• Manage Council's disciplinary procedure as it applies to the Child Safe Standards.</li> </ul>

Roles	Responsibilities
	<ul style="list-style-type: none"> <li>Support employees who have been impacted by a child abuse incident and make appropriate referrals to the Employee Assistance Program.</li> </ul>
<b>Child Safety Officer</b>	<ul style="list-style-type: none"> <li>The first point of contact for employees who have a child safety concern or allegation of abuse within Council.</li> <li>Support the notification of child safety concerns or allegations to relevant authorities (including Police or Child Protection).</li> </ul>
<b>Council Staff and Volunteers</b>	<ul style="list-style-type: none"> <li>Support and champion a child safe culture.</li> <li>Participate in training and understanding of your responsibilities in mitigating, information sharing and record keeping and reporting.</li> <li>Reporting of any suspicion or reasonable belief that a child's safety may be at risk to the Child Safety Officer.</li> <li>Provide support and culturally safe environments for children and young people in delivery of services, programs and projects.</li> </ul>
<b>Contractors and Agency staff</b>	<ul style="list-style-type: none"> <li>Processes are in place to ensure the same standards that apply to Council also apply through contractual obligations of contractors, labour hire and agency employees.</li> </ul>
<b>Licensee / Lessor</b>	<ul style="list-style-type: none"> <li>Sporting associations and not-for-profit entities are required to comply with Child Safe Standards.</li> <li>Reference is made in Licensee or Lessor Agreements between Council and individual groups with the aim to raise awareness of the legislation and compliance requirements re Child Safe Standards.</li> </ul>

## 7 Diversity, Inclusion and Cultural Safety

Council is committed to creating accessible, equitable, inclusive, and culturally safe facilities and services for children. We recognise and appreciate the differences between people and how they identify themselves. This includes a commitment that all children and young people feel valued, respected, and have equitable access to opportunities and resources, as well as the ability to contribute to their community.

An inclusive approach recognises that children and young people have diverse needs, characteristics, and life experiences. No one child's experience is the same, and therefore stereotypes are to be avoided.

Council recognises the increased vulnerabilities of particular groups of children and/or young people. We pay particular attention to the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds as well as the safety of children with disability, children who identify as lesbian, gay, bisexual, trans and/or intersex, and children who are unable to live at home.

## 8 Child Safe Code of Conduct

All employees, volunteers and contractors have the responsibility for the safety and wellbeing of children and young people who engage with Council. Employees are expected to act in accordance with Council's Child Safe Code of Conduct in their physical and online interactions with children and young people under the age of 18 years.

## 9 Recruitment & Training

Council's recruitment process, including advertising, referee checks and staff and volunteer preemployment screening, has an emphasis on child safety and wellbeing in line with its commitment to promote child safety. Council has robust recruitment and selection processes, to ensure the recruitment of suitable staff to minimise the risk of recruiting individuals who may commit Child Abuse.

All relevant staff must have current Working with Children Checks to support the ongoing culture of child safety. The Working with Children Check (WWCC) is a mandatory minimum requirement for any person engaged in child- related work which involves direct contact with children. These requirements may apply to work performed on both a paid and volunteer basis.

All Council staff are required to provide a current police check dated within 6 months at the time of employment and are required to update this information every three years.

Council is committed to ensuring that staff have access to appropriate induction and ongoing training in relation to their child safety responsibilities, including adhering to Council's Child Safety and Wellbeing Policy, external reporting obligations (e.g., mandatory reporting) and the Child Safe Code of Conduct.

In addition to position specific training requirements, training will be available to staff who are likely to come into regular contact with children and young people. This training will include how to identify, assess and minimise risks of Child Abuse and to detect potential signs of child abuse.

## 10 Reporting Child Safety concern or incidents

Council has a responsibility for receiving, responding to and investigating complaints of child harm or abuse that prioritises the safety and wellbeing of children and young people. All staff are responsible for reporting any child safety concern to their line manager or the Council Child Safety Officer as soon as possible after receiving such information or forming a belief that a child is at risk.

Council also works to ensure all children and young people, families and staff understand their obligations and know who to tell if they observe abuse, are a victim, or if they notice inappropriate behaviour.

## 11 Reportable Conduct Scheme

All child safe concerns should be reported to the relevant line manager or the Council Child Safety Officer soon as possible. Council is required to respond to and report allegations of child abuse and child- related misconduct by those covered by the scope of this Policy through a process known as the Reportable Conduct Scheme.

Reportable Conduct includes the following incidents that must be reported:

- a) a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded; or
- b) sexual misconduct, committed against, with or in the presence of, a child; or
- c) physical violence committed against, with or in the presence of, a child; or

- d) any behaviour that causes significant emotional or psychological harm to a child; or
- e) significant neglect of a child.

If an incident potentially involves a criminal offence, the incident must also be reported to the local police station or by calling 000 after consulting with the Council Child Safety Officer if reasonably practicable, before contacting police.

The Council Child Safety Officer, Manager Family, Youth and Children can be contacted by mobile 0413 288 326 or via email.

## 12 Record Keeping

All records are kept in Council's Electronic Record System with limited access.

## 13 Risk Management

In Victoria, organisations are required to protect children when a risk is identified. In addition to general occupational health and safety risks, we proactively manage risks of abuse to our children.

We have risk management strategies in place to identify, assess, and take steps to minimise child abuse risks which include risks posed by physical environments and online environments.

## 14 References

- a) Occupational Health and Safety policy
- b) Information Privacy policy
- c) *Occupational Health and Safety Act (2004)*
- d) *Crimes Act (1958)*
- e) *Human Rights Charter*
- f) Child Safe Code of Conduct
- g) Child Safety & Wellbeing Policy
- h) Child Safe Environment Policy (Early Years)

## 15 Definitions

Child	<ul style="list-style-type: none"> <li>• For the purpose of this document a child is anyone under the age of 18 years.</li> </ul>
Child Abuse	<ul style="list-style-type: none"> <li>• a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded;</li> <li>• sexual misconduct, committed against, with or in the presence of, a child;</li> <li>• physical violence committed against, with or in the presence of, a child;</li> <li>• any behaviour that causes significant emotional or psychological harm to a child or significant neglect of a child.</li> </ul>
Aboriginal and/or Torres Strait Islander Child	<ul style="list-style-type: none"> <li>• A child or young person up to the age of 18 years who is of Aboriginal or Torres Strait Islander descent, identifies as Aboriginal or Torres Strait Islander, and is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.</li> </ul>

Child related work	<p>Specific definition as per section 7 of the Worker Screening Act 2020.</p> <ul style="list-style-type: none"> <li>Child-related work is work at or for a service, body, or place, or that involves an activity and that usually involves direct contact with a child. For the purposes of this Act, work is not child-related work by reason only of occasional direct contact with children that is incidental to the work.</li> </ul>
Children from culturally or linguistically diverse backgrounds	<ul style="list-style-type: none"> <li>A child or young person who identifies as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language, or language spoken at home, or because of their parents' identification on a similar basis.</li> </ul>
Children with disability	<ul style="list-style-type: none"> <li>Use of the term 'disability' is consistent with that in <i>the Disability Act 2006</i>. In relation to a child, the use of the word 'disability' incorporates any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child's ability to undertake everyday activities. A disability can occur at any time in life. Children can be born with disability or acquire a disability suddenly through an injury or illness. Some disabilities may be obvious while others are hidden.</li> </ul>
Cultural safety for Aboriginal and/or Torres Strait Islander Children	<ul style="list-style-type: none"> <li>Cultural safety for an Aboriginal and/or Torres Strait Islander child means they experience a safe, nurturing, and positive environment, where their unique identity is respected without attack, challenge, or denial. In this environment, their voice is heard and valued, and they are free to explore and express themselves, their culture, views and needs.</li> </ul>
Duty of care	<ul style="list-style-type: none"> <li>The obligation of Council employees, contractors, and volunteers to take reasonable steps to protect children in their care from the risks of injury that are reasonably foreseeable.</li> </ul>

## 16 Privacy

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be staff, volunteers, families, or children, unless there is a risk to someone's safety. Everyone is entitled to know how this information is recorded, what will be done with it and who will have access to it. This stance on privacy is intended to protect reporters and to ensure that all members of Yarriambiack Shire Council are comfortable to disclose any allegations or concerns in relation to child safety without repercussions.

## 17 Policy Review

This policy will be reviewed in conjunction with its associated policy every three years or on an 'as needs' basis.

## 18 Access to the Child Safety & Wellbeing Policy

The Child Safety and Wellbeing Policy will be made available on Council's Website and Intranet.

## 19 Legislative Context

*Child Wellbeing and Safety Act 2005*

*Children Youth & Families Act 2005*

*Working with Childrens Regulations 2016*

*Crimes Act 1958*

*Victorian Human Rights of Responsibilities*

## 20 Consistency with Governance Principles Local Government Act 2020

Governance Principle	Section of policy where covered
(a) Council decisions are to be made and actions taken in accordance with the relevant law;	Section 4 – Council’s approach to Child Safety by continuing to implement and promote a child safe system of work.
(b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;	Section 3 – Statement and Scope – Council commits to providing a child safe and child friendly environment for all children and young people who engage with Council’s service.  Section 7 – Diversity, Inclusion and Cultural Safety – Council’s commitment to creating accessible, inclusive and culturally safe facilities and services for children.
(c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;	Policy as a whole demonstrates sustainability
(d) the municipal community is to be engaged in strategic planning and strategic decision making;	Section 4 – Council’s approach to Child Safety by continuing to implement and promote a child safe system of work.  Along with the Child Safety Standards implemented throughout the sector
(e) innovation and continuous improvement is to be pursued;	Section 5 – Child Safe Standards
(f) collaboration with other Councils and Governments and statutory bodies is to be sought;	Section 11 – Reportable Conduct Scheme requires Councils to respond and report allegations of child abuse and child related misconduct.  Section 5 - Child Safe Standards
(g) the ongoing financial viability of the Council is to be ensured;	Policy as a whole
(h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;	Section 5 – Child Safe Standards – 11 Child Safe Standards.



Governance Principle	Section of policy where covered
(i) the transparency of Council decisions, actions and information is to be ensured.	Section 4 – Council’s approach to Child Safety by continuing to implement and promote a child safe system of work.

## 21 Council Approved Policy

<b>Policy Adopted:</b>	Ordinary Meeting 29 June 2022 - Item 14.4	Minute page 27
<b>Policy Reviewed:</b>	Ordinary Meeting [date]	Minute Book Page [number]

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