

Child Safety and Wellbeing Policy

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Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, and present. Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

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Approval	V.01	18/07/2022	Executive Meeting
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Purpose/Objective

Macedon Ranges Shire Council is committed to complying with the Child Safe Standards (Standards) introduced by the Victorian Government.

Council understands that child safety is everyone's responsibility and prides itself on being a child safe organisation with zero tolerance for child abuse. This means creating environments where all children are heard, valued and protected from harm and abuse.

Our commitment is demonstrated by implementing and monitoring the Child Safe Standards, as specified under the Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015.

Scope

This policy applies to everyone who conducts work for, or is connected to, Macedon Ranges Shire Council in a paid or unpaid capacity and includes:

- Employees
- Councillors
- Contractors
- Agency staff
- Consultants
- Volunteers
- Students over the age of 18 on placement.

Our Child Safety and Wellbeing Policy applies to a broad range of situations where interaction with children and young people can occur. There are no exclusions to the application of this policy.

Background/Reasons for Policy

In 2016, in response to the Betrayal of Trust Inquiry (*Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations*), the Victorian Government introduced 7 Child Safe Standards. The compulsory Standards apply to all organisations, including Council, that provide services for children and young people to help protect them from all forms of abuse.

The Child Safe Standards have now been updated to include 11 Standards. The Standards remain compulsory for all organisations providing services to children and young people and work by:

- driving changes in organisational culture – embedding child safety in everyday thinking and practice of leaders, staff and volunteers
- providing a minimum standard of child safety across all organisations
- highlighting that we all have a role to keep children safe from abuse.

The Standards require organisations to:

- promote the safety of children and young people
- prevent child abuse
- ensure effective processes are in place to respond to and report all allegations of child abuse
- empower children to 'have a say', especially on issues that are important to them or about decisions that affect their lives

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.

Council's Commitment

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

Council recognises, respects and promotes its responsibilities 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.

Council's approach to child safety

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

- develop an environment in which children feel listened to and valued, and their concerns are acted upon
- encourage and allow children to participate in decisions important to them
- consult with staff and other appropriate parties, including families and children
- proactively assess and manage the risk of abuse to children who interact with Council, including through recruitment practices and in online environments
- take a proactive approach to child safety, including fostering a culture of openness that supports all staff to report any concerns about child safety
- report suspected abuse, neglect or mistreatment promptly to the appropriate authority, whether or not the law requires reporting
- ensure children know the options available to them if they are concerned or feeling unsafe, and foster an environment where children are safe to raise such concerns
- provide timely feedback to children and young people, families, staff and volunteers who raise concerns of complaints
- recruit staff who are suitable to work with children and provide high-quality training, supervision and professional development to staff
- take appropriate and timely action for anyone who breaches this Policy or the Child Safety and Wellbeing Code of Conduct

- have policies, procedures, and supports to reflect these commitments and review these regularly.

Corporate Framework

The Macedon Ranges Community Vision 2021–2031 outlines a caring, resilient approach to community and a collaborative commitment to inclusivity for all. **Theme 1 – Connecting Communities** includes the following relevant areas:

- Programs and services to acknowledge and address specific needs of vulnerable groups
- People have access to the services they need and are empowered to contribute, creating a sense of belonging

Child Safety and Wellbeing Code of Conduct

All staff are responsible for the safety and wellbeing of children and young people who engage with Macedon Ranges Shire Council. All staff are expected to act in accordance with Council's Child Safety and Wellbeing Code of Conduct (*the Code*) in their physical and online interactions with children and young people under the age of 18 years.

Roles and responsibilities

All staff covered by this policy must report any occasion they have formed a **reasonable belief** that reportable conduct has occurred, including instances where a child is at risk or needs protection because of a threat to their safety, health or wellbeing. Staff should report using Council's Child Safe Reporting Procedure.

CEO

The CEO will:

- be notified of all Child Safe incident reports.
- support employees, volunteers and contractors to undertake their roles and responsibilities in a way that focuses on child safety and transparency
- address child safety at a strategic level, including the ongoing engagement of key stakeholders in the development, implementation, and review of child-safe strategies
- ensure good governance with policies that are appropriate, relevant, understood and regularly reviewed, in line with organisational processes and ensure they are implemented across Council
- provide effective leadership by championing safe child practices both internally and externally that ensure Council is safe for all children

- ensure employees, contractors, and volunteers understand their obligations to prevent, detect and report child abuse
- ensure that all employees, contractors and volunteers are aware of relevant laws, Council policies and procedures and the Code(s) of Conduct.

In addition, the CEO is responsible for meeting specific obligations under the Reportable Conduct Scheme. These obligations include:

- notifying the Commission for Children and Young People within three working days of becoming aware of an allegation
- notifying the Director Community who will assess if it is deemed necessary for Council's Child Safety Reponse Group to convene
- investigating any allegations (subject to Police clearance on criminal matters) and under the guidance of the Child Wellbeing and Safety Act 2005 (Vic)
- notifying the Commission who is undertaking the investigation.
- updating the Commission within 30 calendar days, providing information on the reportable allegation and any action taken
- notifying the Commission of investigation findings and any disciplinary actions or why no further action was taken.
- the CEO may also receive reports of suspected incidents of child abuse from councillors in line with the Child Safe Reporting Process.

Executive Leadership Team and Managers

The Executive Leadership Team and all Managers are responsible for supporting the CEO in creating a Child Safe Organisation and embedding a culture of zero tolerance for child abuse. This will be achieved by ensuring:

- Progression of child-safe incident reports when made by a staff member in their department.
- Council has robust child safeguarding practices in place that protect children from child abuse or harm.
- Effective support and training is provided to employees, contractors and volunteers in undertaking their role in preventing, recognising, responding and reporting child abuse or harm to children.
- Reportable Allegations are investigated and reported to the Commission for Children and Young People.
- Employees, contractors and volunteers understand the importance of acknowledging and appreciating the strengths of Aboriginal and Torres Strait Islander cultures and how this links to child wellbeing and safety. Reasonable steps are taken to identify any potential organisational risks to child safety and wellbeing within their department and removing or minimising these risks using the Child Safe Standards Risk Assessment and Management Template.

- All Council staff, volunteers, and contractors receive and undertake regular training/education about identifying, preventing and reporting child abuse.
- Actions are taken to protect a child or young person and initiate internal processes for reporting and/or investigation of allegations, including the disciplinary process if required.

Coordinators and Team Leaders

Coordinators and Team Leaders are responsible for supporting the management team in creating a Child Safe Organisation and embedding a culture of zero tolerance for child abuse. This will be achieved by ensuring they:

- receive a notification of child-safe incident reports when made by a staff member in their department.
- take reasonable steps to identify, analyse, and plan to control risks of child abuse using the Child Safe Standards Risk Assessment and Management Template and to regularly review and monitor risk when carrying out regular activities, new programmes, or events
- report any inappropriate behaviour or suspected abusive activities
- refer any child safety concerns to Council's Child Safety Officer and/or the relevant authority, depending on the circumstances.
- review and receipt documentation, maintain confidential records and participate in investigation processes if and when required.
- promote regular discussion on child safety as everyone's responsibility.
- ensure all staff have access to and are aware of their obligations under the relevant legislation, Code of Conduct and Council's policies and procedures about child safety and wellbeing.
- ensure staff, volunteers and contractors remain compliant with the Code and that necessary clearance checks are current and valid.
- ensure staff have access to and training in Council's child safe reporting mechanisms, such as the OHS incident reporting platform
- maintain confidentiality and privacy of all personal information in line with relevant legislation and Council's policies and procedures.

Employees, contractors and volunteers

Council has clear and well-established behavioural expectations of all employees, contractors and volunteers who engage with children as a part of their role. This includes appropriate behavioural expectations for working with all children, including Aboriginal and Torres Strait Islander children, culturally and/or linguistically diverse children and children with a disability.

All employees, contractors and volunteers covered by this Policy are responsible for ensuring that:

- children's safety, participation, wellbeing, and empowerment are prioritised while undertaking their roles.
- they are aware of and abide by Council's relevant Code(s) of Conduct.

- they are aware of how to report child abuse using Council's internal reporting system, whether it has or is suspected of having taken place in the home, community or a Council service.

They must also ensure that they:

- promote child safety at all times
- assess the risk of child abuse within their area of control and eradicate or minimise any threat to the extent possible using the Child Safe Standards Risk Assessment and Management Template.
- regularly review and monitor risk when carrying out routine activities, new programmes or events, ensuring that these are documented using the Child Safe Standards Risk Assessment and Management Template.
- report any inappropriate behaviour or suspected abusive activities
- promote the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children and children with culturally and/or linguistically diverse backgrounds and identify any cultural-safety knowledge gaps and seek training
- familiarise themselves with the relevant laws, Code(s) of Conduct, policies and procedures about child safety and comply with all requirements
- understand their obligations under the relevant legislation, Code of Conduct and Council's policies and procedures about child safety and wellbeing.
- comply with all additional reporting obligations that are specific to their role, such as Mandatory Reporting
- designated staff and volunteers ensure that they hold a current Working with Children Check and follow the renewal process prior to expiry. Designated Staff and Volunteers are defined as having regular contact with children i.e. at least six occasions per calendar year or are in a position of authority over children.
- provide an environment where children and young people feel safe, empowered, and participate.
- participate in training/education about identifying, preventing and reporting child abuse; and additional training for those with particular responsibilities for children.
- report all concerns and reasonable beliefs about a child or young person to the relevant Coordinator/Manager or Child Safety Officer using Council's internal reporting procedure.

Child Safety Officer

- Act as the first point of contact for receiving reports of child safety concerns or allegations of abuse.
- Support the notification of child safety concerns or allegations to relevant authorities.
- Assist alleged victims and their families to access counselling and support services.
- Provide support to affected staff, volunteers, contractors and/or community members through Council's Employee Assistance Program or other appropriate organisations

Privacy and record keeping

Council is committed to protecting an individual's right to privacy. Accordingly, all personal, sensitive and health information collected during the process of a report or investigation will be administered and handled following Council's privacy obligations, the Child Wellbeing and Safety Act 2005 (Vic) and legislated Mandatory Reporting and information-sharing requirements. Information will be used and disclosed only as necessary to meet the purposes outlined in this Policy and as authorised by law.

Council is committed to best practice when securely maintaining confidential records of Reportable Allegations. Council will record and store the following types of documentation:

- documents that may assist with the investigation of a complaint or safety concern
- the resolution of those complaints, including findings made, the reasons for the decision and actions taken
- documents integral to an inquiry, even if the investigation did not substantiate the complaint.

All personnel are responsible for ensuring that records are managed under this Policy and Council data security and confidentiality requirements.

Recruitment and training

Macedon Ranges Shire Council's recruitment procedure, including advertising, referee checks and staff and volunteer pre-employment screening, emphasises 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. Council includes a statement of commitment to child safety in all job advertisements and has child safety questions during interviews for positions that have close and regular contact with children and young people. All relevant staff must have current Working with Children Checks to support the ongoing culture of child safety.

All Council staff may be required to provide a current police check at the time of employment and may be required to update this information from time to time.

Council is committed to ensuring that staff have access to appropriate induction and ongoing training about their child safety responsibilities, including Council's child safety and wellbeing policies and procedures, external reporting obligations (e.g. mandatory reporting) and the Child Safety and Wellbeing Code of Conduct. Council will ensure that all staff read, acknowledge and adhere to the behavioural expectations and responsibilities outlined within our Child Safety and Wellbeing Code of Conduct. Breaches of the Code may result in disciplinary action and, in severe cases, may involve termination of a person's involvement with Council.

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 identifying, assessing, and minimising risks of child abuse and detecting potential signs of child abuse.

Reporting child safety concerns or incidents

- Council has policies and procedures in place 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 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.
- All child safe concerns should be reported to the relevant line manager or the Council Child Safety Officer as soon as possible.
- If a staff member has a reasonable belief that Reportable Conduct may have occurred, then they must report the incident to our Child Safety Officer directly and immediately. If the incident potentially involves a criminal offence, the incident must also be reported to the local police station or by calling 000.

Reportable Conduct Scheme

The Reportable Conduct Scheme (the Scheme) requires organisations to respond to allegations of child-related misconduct made against workers (employees and contractors) and volunteers and report any allegations to the Commission for Children and Young People (the Commission). There are five types of reportable conduct:

- a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding about the offence has been commenced or concluded
- sexual misconduct, committed against, with or in the presence of, a child
- physical violence committed against, with or in the presence of, a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

Where a law enforcement agency is seeking to investigate any child safety concerns, staff must co-operate to the best of their ability.

Our Child Safety Officer is:

Manager People and Wellbeing

Email: childsafetyofficer@mrsc.vic.gov.au

Mandatory Reporting

Mandatory reporting refers to the legal requirement of certain professional groups, including Council, to report a reasonable belief of child abuse to child protection authorities.

In Victoria, under the Children, Youth and Families Act 2005, mandatory reporters must make a report to child protection authorities, if in the course of practicing their profession or carrying out duties of their office, position or employment, they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse. In Council, this will be relevant for some staff, which include but are not limited to nurses, youth workers and early childhood workers.

It is a criminal offence for a mandated reporter to fail to report abuse where they have a reasonable belief abuse has, or is likely to, occur.

Failure to protect

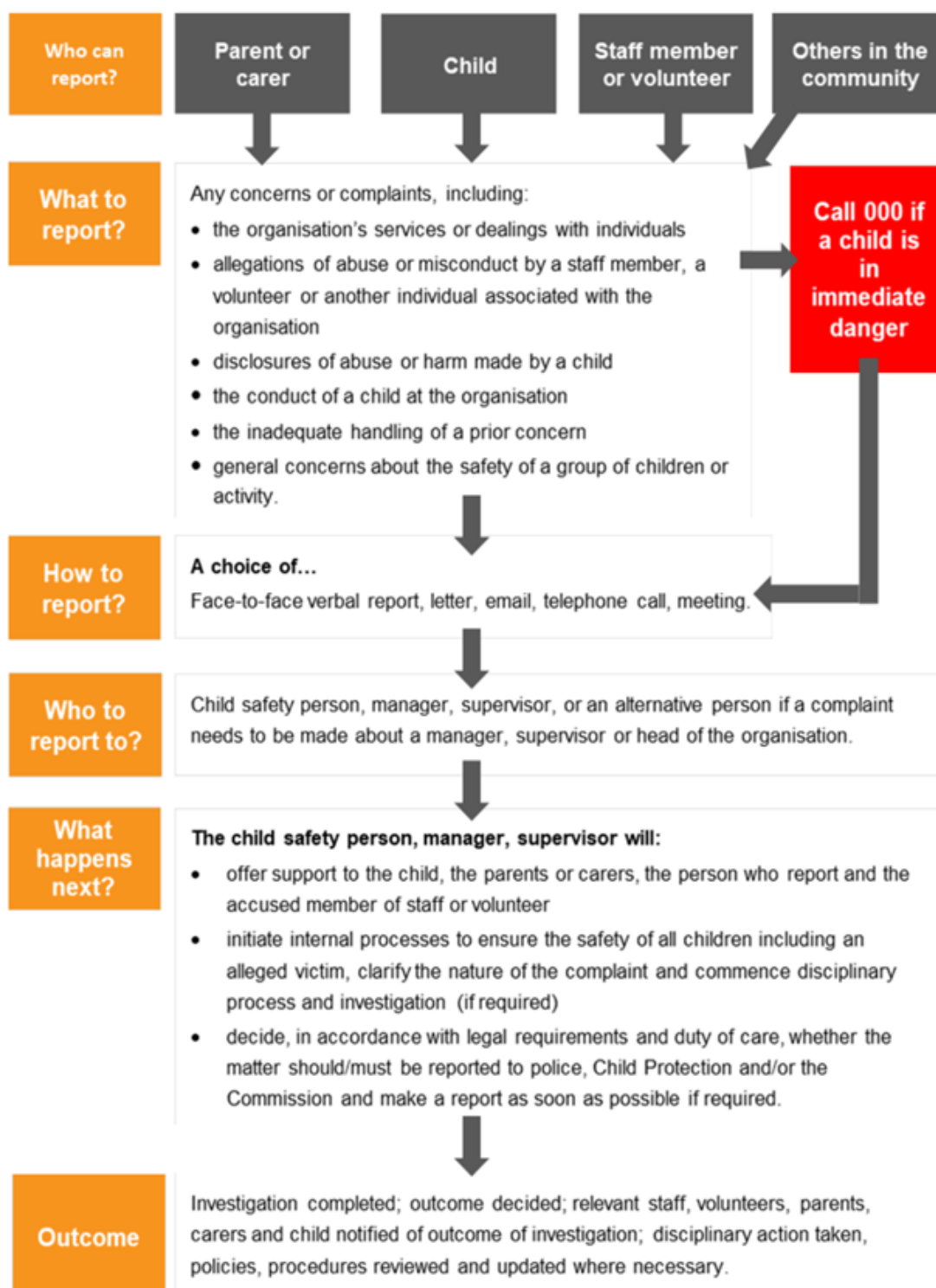
If any person in a position of authority within Council becomes aware of a substantial risk that a child may become the victim of a sexual offence committed by a staff member, and they have the power or responsibility to reduce or remove the risk, then they must take all reasonable steps to do so.

Criminal offences may apply to a person in authority who negligently fails to take appropriate action to address the risk. Failing to take action is considered 'failing to protect' and may result in imprisonment.

Failure to disclose

If any adult reasonably believes a sexual offence has been committed by an adult against a child, they **MUST** report it to Victoria Police by calling 000 or going to their local police station. Failure to disclose the information to police may be a criminal offence. The incident must also be reported to the Child Safety Advisor directly and immediately.

Flowchart: child safety reporting process



Risk Management

Council identifies and manages risks as per our Risk Management Policy and Framework.

Council will take a risk management approach by preventing, identifying and mitigating risks to children and young people. Any risks identified in complaints, reports, or abuse allegations will be reviewed and incorporated into the relevant risk register.

Included in Council's risk register are the following elements:

- 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. The Child Safe Standards Risk Assessment and Management Template is strongly encouraged.
- 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.

Gender Impact Assessment

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

A Gender Impact Assessment is not considered necessary for this policy. The *Child Wellbeing and Safety Act 2005* sets out the standards organisations must comply with by law. This policy does not set a policy position; instead, it details the commitment to the ways in which Council will meet its statutory obligations outlined in the Act.

Definitions

Term	Definition
Aboriginal child	A child or young person up to the age 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.
Child abuse	Abuse constitutes any act committed against a child involving: <ul style="list-style-type: none">• sexual offences• grooming for sexual conduct with a child under the age of 16

	<ul style="list-style-type: none"> • physical violence • causing serious emotional or psychological harm • serious neglect
Child or children	A person who is under the age of 18 years.
Children from culturally and/or linguistically diverse backgrounds	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.
Children with a disability	A disability can be physical, sensory, neurological, acquired, intellectual or developmental. A disability can occur at any time of life, and some may be obvious while others are hidden.
Cultural safety	Providing an environment which is spiritually, socially and emotionally safe, as well as physically safe for children. It ensures respect and protection of their cultural or linguistic identity.
Child safety	In the context of the Child Safe Standards, child safety means measures to protect children from abuse.
Child safe organisation	In the context of the Child Safe Standards, a Child Safe organisation is one that meets the child safe standards by proactively taking measures to protect children from abuse.
Child Safe Standards (CSS) Group	An internal investigations group which is established when a moderate or critical incident has occurred
Failure to disclose	Failure to disclose obligations apply to all adults in Victoria. Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child or young person under 16 years of ages has an obligation to report that information to the police. Failure to disclose the information to police is a criminal offence.
Failure to protect	The failure to protect offence applies to a person in a position of authority within an organisation who knows that a child is at substantial risk of being sexually abused by a person associated with the organisation and negligently fails to reduce or remove the risk.
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	Refers 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	A reasonable belief is a belief based on facts that would lead a reasonable person to think that reportable conduct <i>may</i> have occurred.

	<p>A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it does not require certainty. For example, a person is likely to have a reasonable belief if they:</p> <ul style="list-style-type: none"> • observed the conduct themselves • heard from a child that the conduct occurred • received information from another source (including another person who witnessed the reportable conduct or misconduct).
Staff	<ul style="list-style-type: none"> • Employees • Councillors • Contractors • Agency staff • Consultants • Volunteers • Students over the age of 18 on placement.
Council	<ul style="list-style-type: none"> • Macedon Ranges Shire Council

References

- > A guide for creating a Child Safe Organisation – Commission for Children and Young People
- > An overview of the Victorian Child Safe Standards – Victorian Dept of Health and Human Services.

Related Policies

- > Child Safety and Wellbeing Code of Conduct
- > Recruitment and Selection Policy and Procedure
- > National Police Check Policy
- > Working with Children Check Policy
- > Disciplinary Policy and Procedures
- > Staff Code of Conduct
- > Councillor Code of Conduct
- > Risk Management Policy and Framework
- > Reconciliation Action Plan
- > Complaints Policy
- > Incident Management Policy
- > Equal Employment Opportunity Policy
- > Volunteer Policy

- > Social Media Policy
- > Privacy and Data Protection Policy

Related Legislation

- > *Child Wellbeing and Safety Act 2005 (Vic)*
- > *United Nations Convention on the Rights of the Child*
- > *Reportable Conduct Scheme*
- > *Child Safe Standards*