

Child Safe Policy

If there is immediate danger to a child or young person, urgently call the Police on 000 for advice

Policy statement

The City of Whittlesea (Council) is committed to ensuring the safety of children and young people. All children and young people who access services provided by Council (including anyone acting on behalf of Council) have the right to feel and to be safe. The wellbeing of the children and young people in our care will always be our first priority and we have a zero-tolerance approach to child abuse. We aim to create a child safe and child-friendly environment where children and young people feel safe and are able to fully participate.

The Council is committed to the principles of cultural safety and inclusion of children and young people who are Aboriginal, from refugee or migrant backgrounds, who are same sex attracted and/or gender diverse, and/or have a disability, and we recognise that these principles support the safety of all children.

Purpose

The Child Safe Policy will create a safe physical and online environment for children and young people, by:

- Expressing Council's commitment to child safety, and zero tolerance of child abuse;
- Establishing processes to address child safety concerns in a proactive and inclusive way, including robust staff training and reporting processes;
- Encouraging participation of children and their families in making Council a child safe organisation;
- Ensuring complaints are taken seriously and responded to promptly and thoroughly; and
- Ensuring Council decisions and actions consider child safety and inclusion.

Principles

The Child Safe Policy is informed by the following City of Whittlesea Community Building Principles:

Equity, access and inclusion

We support the development of a safe and inclusive community, and promote respect for diverse values, abilities, beliefs, cultural practices and ways of living. Council ensures that the distribution of our services and resources is a transparent and socially inclusive process that delivers equitable outcomes. As a Child Safe organisation, we seek to include the voices of children and young people in our organisational activities and actively seek to understand what

makes them feel safe. All children and young people have the fundamental right to develop, reach their full potential, feel safe and supported in the community in which they live, grow, play and learn. Further, they have the right to equitable access to services and supportive environments regardless of their gender identity, sexual orientation, race, ethnicity, religion or ability.

Community and civic participation

We are committed to delivering accessible information, facilities, programs and services that encourage all people to build social connections and participate in community life. We work to ensure citizens are informed and consulted by governments about the decisions that affect their lives and are able to fully participate in decision making processes. We value the voices of children and young people and will act on concerns raised by them or their families in regard to their safety.

Collaboration and partnerships

We support, coordinate or lead community building efforts in a spirit of partnership and collaboration with relevant stakeholders including residents, community groups, community service organisations, developers, schools and all levels of government to achieve positive community outcomes for children, young people and their families.

Context/Rationale

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 research has resulted in the implementation of wide-ranging initiatives that aim to reduce the risk of children being exposed to or experiencing harm.

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 Administrators and/or Councillors, employees and other representatives have significant obligations to protect children from harm. On 1 July 2022 the Child Safe Standards were expanded from 7 to 11 Standards in order to provide more clarity for organisations and ensure greater consistency with Standards nationally.

The Child Safe Standards require Council to ensure:

1. A culturally safe environment is established 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.

From 1 January 2019, Council was also required to comply with the Reportable Conduct Scheme (RCS). This is a notification scheme, which requires reporting of any child abuse allegations against employees, direct contractors, volunteers and office holders to the Commission for Children and Young People (CCYP). 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.

Together, the Child Safe Standards and Reportable Conduct Scheme aim to drive cultural change so that protecting children from abuse is part of everyday thinking and practice.

Scope

Council is responsible for internal compliance and community advocacy in the area of child safety. This policy is designed to ensure Council complies with its child safety obligations, as well as having a positive community impact by promoting and leading the implementation of child safe practices.

This policy applies to Council:

- "Administrators and/or Councillors"; and
- "Employees and other representatives", which includes:
 - Full-time, part-time and casual employees
 - Workers performing work for Council under any other type of arrangement, including work experience or study placements, agency staff

- and workers on temporary contracts, whether employed or appointed directly by Council or by a third party
- Employees on exchange/secondment to or from other organisations
 - Volunteers
 - “Contractors” which includes any person, entity or service provider that delivers services to or on behalf of Council.

This policy applies to Council Administrators and/or Councillors and employees and other representatives, whether they work in direct contact with children and young people or not. This policy also covers Administrators and/or Councillors, employees and representatives, all of the time (both during work hours and outside of work hours).

Key linkages

All Council policies comply with the *Victorian Charter of Human Rights and Responsibilities*.

This policy enables the achievement of Whittlesea 2040 Goal 1: Connected Community - 1.2 A healthy and safe community, as the health, wellbeing and safety of our children is fundamental to making our community a better place for all.

This policy is also linked with the following documents and legislation:

International

- *United Nations Convention on the Rights of the Child, 1989*
- *Child Friendly Cities Charter, adopted 2016*

Victorian

- *Child Wellbeing and Safety Act 2005*
- *Children Youth and Families Act 2005*
- *Public Records Act 1973*
- *Family Violence Protection Act 2008*
- *A New Guide for Creating Child Safe Organisations, Commission for Children and Young People, April 2022*
- *Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations (Betrayal of Trust), Family and Community Development Committee, Nov 2013.*

City of Whittlesea

- *Child Safe procedures*
- *Child Safe Code*
- *Code of Conduct for Staff and Others*
- *Safety Screening Policy*

W2040 Key Direction

Date of Adoption

Directorate Responsible

[A healthy and safe community](#)

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[Customer & Corporate Services](#)

- *Volunteers Policy*
- *Disciplinary Policy & Procedures*

This policy will help guide Council's work delivered through the:

- *Multicultural Action Plan 2020-2024*
- *YouthPlan2030+*
- *Early Years Policy*
- *Middle Years Strategy*
- *Equal and Safe Strategy*
- *Aboriginal Inclusion Charter 2016*
- *Victorian Child Friendly Cities and Communities Charter*

Procedures and implementation

Council is committed to promoting its commitment to Child Safety, empowerment of children and the Victorian Child Friendly Cities and Communities Charter to Administrators and/or Councillors, employees and other representatives, the general public and all other stakeholders. This policy will be made available to the public in various accessible formats as part of this commitment.

Council takes child safety seriously. Failure to comply with this policy may constitute a serious breach of Council's Values and Behaviours and Code of Conduct and may result in disciplinary action, up to and including termination of employment.

This policy will be implemented through the following mechanisms:

Key contacts

Council's Child Safe key contacts are the Director Community Wellbeing, the Unit Manager Human Resources and the nominated Child Safe Officer/s. These officers may be contacted with any queries or concerns regarding child safety.

They may be contacted at childsafety@whittlesea.vic.gov.au or by contacting Customer Service on (03) 9217 2170 and requesting to speak to the relevant officer.

The contact details for these officers will also be made publicly available on the Council website and documented in Council's Child Safe procedures.

Responsibility

The following responsibilities are assigned under this policy:

W2040 Key Direction

Date of Adoption

Directorate Responsible

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Administrators and/or Councillors are responsible for promoting and modelling organisational and community child safe practices in their role, for considering the safety and inclusion of children and young people when making relevant decisions, and for reporting and responding to child safety issues, including reporting any child safety issues to the Chief Executive Officer (CEO).

The CEO is accountable for ensuring that Council is compliant with the Child Safe Standards and Reportable Conduct Scheme, including by establishing Council Child Safe procedures and a Child Safe Code that give effect to the intent of this policy.

This policy's application to Council employees and other representatives is implemented and monitored by Council's senior leadership group, the Executive Leadership Team (ELT).

The Director Community Wellbeing has responsibility for ensuring Council is compliant with the Reportable Conduct Scheme.

Directors are responsible for monitoring compliance with this policy and associated procedures within their Directorate.

People & Culture is responsible for reviewing and monitoring implementation of this policy and associated Child Safe procedures, and for providing specialist advice regarding the Child Safe Standards and Reportable Conduct Scheme.

Council's nominated Child Safe Officer/s is responsible for the implementation of this policy and associated Child Safe procedures, provision of specialist advice regarding child safe matters, assisting Administrators and/or Councillors, employees and other representatives to make reports of child abuse/harm, the coordination and support of the Child Safe Working Group and any other duties that arise in relation to Child Safety and the Reportable Conduct Scheme.

The Child Safe Working Group is responsible for building Council's child safe capacity and:

- Leading the implementation of the Child Safe Standards,
- Reporting to ELT on Child Safety;
- Reviewing incident statistics regarding Child Safety;
- Monitoring training delivery;
- Establishing a plan for future action;
- Linking with external and internal stakeholders;
- Communicating information about the Standards to Administrators and/or Councillors, employees and other representatives;
- Monitoring and evaluating child safe reporting at Council, ensuring compliance and promoting continuous improvement; and
- Monitoring Council's compliance with this policy and the Child Safe Standards.

Supervisors and Managers are responsible for 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 Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal children.

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 cultural safety

Council will promote the cultural safety of Aboriginal and culturally and/or linguistically diverse children, same sex attracted and/or gender diverse children, and the safety of children with a disability. Council will provide an environment that is safe for children of all backgrounds, where there is no challenge to, or denial of, who they are or what they need. This environment promotes shared respect, shared meaning and shared knowledge and experience; learning, living and working together with dignity; and truly listening.

To achieve this, we support:

- Fostering cultural safety within the organisation, by building cultural awareness and the capacity of our people;
- The cultural safety, participation and empowerment of Aboriginal children and their families;
- The cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds and their families;
- Children with a disability and their families and act to promote their participation;
- Same sex attracted, intersex and gender diverse children and families and act to promote their participation.

To achieve this, we:

- Seek to recruit appropriate employees and other representatives, and contractors from culturally and/or linguistically diverse backgrounds;

- Ensure measures are in place to ensure that racism is identified, confronted and not tolerated;
- Provide a physical environment that actively celebrates diverse cultures and recognises cultural difference;
- Commit to ensuring our facilities promote inclusion of children of all abilities; and
- Provide children with access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand.

Empowerment of children and young people

Council will actively promote 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* 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 will ensure that children and young people are able to initiate their own complaints in an accessible and culturally safe manner.

Involvement of families and communities

Council is committed to fostering an open and transparent child safe culture for families and communities.

To achieve this, we:

- Seek the input of families and communities in decisions impacting children and young people;
- Involve families and communities in the development of and review of child safe policies and practices;
- Communicate effectively with families and communities about how to raise child safety concerns and how Council operates; and
- Take into account the diversity of families and act to reduce barriers to inclusion.

Training

Council will support Administrators and/or Councillors, employees and other representatives to understand their obligations with respect to child safety, at the commencement of their role

or engagement, and thereafter through annual refreshing of this knowledge with appropriate documentation and/or training that is tailored to and appropriate for the nature of their role.

Risk management

Council recognises the importance of a risk management approach to minimising the potential for child abuse or harm to occur and use this to inform our policies, procedures and activity planning. Council has a Risk Management Policy and Framework under which it undertakes a systematic approach to identifying events that could prevent, delay or enhance the achievement of strategic and operational objectives. Child safety risks will be considered in the context of this Framework, including that:

- Council's governance arrangements will support the implementation of all child safe practices and adopt strategies that manage the risks of child abuse and harm;
- Council's senior leadership team will regularly review our performance in delivering child safety and wellbeing;
- All existing and new activities and facilities must be assessed for risks of child abuse including environmental risks (e.g. areas that might obscure a line of sight) and vulnerability risks (such as activities that may foster personal relationships with children who have an increased risk of being exploited, such as children who are highly vulnerable and dependent on others for their personal care needs);
- All identified risks of child abuse are actively reduced by designing and implementing appropriate preventative measures;
- Administrators and/or Councillors, employees and other representatives are made aware of their responsibility for identifying risks of child abuse and their obligation to work with management on reducing those risks;
- Risks in the online environment will be identified and mitigated without compromising a child or young person's right to privacy, access to information, social connections and learning opportunities;
- All interactions with children and young people in the online environment or via other technologies must be in line with this policy, the Child Safe Code and Code of Conduct for Staff and Others;
- Families and children are made aware of how to report identified risks of child abuse or concerns about child safety;
- Compliance with this policy and the Child Safe Standards will be routinely monitored and continuously improved, including through internal and external auditing and review. Individual breaches will be treated seriously and may be subject to disciplinary action; and
- Risk management plans are living documents that are updated as required, referred to regularly and reviewed periodically.

Recruiting employees and other representatives (excluding contractors)

Council applies best practice standards in the recruitment and screening of employees and other representatives (excluding contractors who are dealt with separately below). Child safety requirements will be addressed in the recruitment process through strategies including:

- Requiring National Police Checks (when required by the Safety Screening Policy), Working with Children Checks (when required by the Safety Screening Policy) and appropriate training and qualifications;
- Placing a statement regarding Council's commitment to child safety in all job advertisements and position descriptions;
- Ensuring that robust referee checks are performed for shortlisted candidates;
- Where a position includes responsibility for children or is a position of leadership, ensuring interview and referee questions address child safety and experience and previous engagement with children, and gauge the applicant's attitudes and values toward children; and
- Providing successful applicants with the following;
 - Child Safe Policy and relevant organisational procedures;
 - Child Safe Code;
 - City of Whittlesea Code of Conduct for Staff and Others; and
- Requiring successful applicants to undertake Council's Child Safe Training as part of induction, with a refresher course to be undertaken annually.

Contractors & Service Providers

Council will ensure that the Child Safe Policy, any associated relevant Child Safe procedures, the Child Safe Code and any appropriate training is provided to contractors and service providers engaged to provide services to or on behalf of Council.

Council will also ensure that Child Safe requirements are part of Council's procurement processes when procuring services that either interact or have potential to interact with children or young people.

Council recognises that depending on the nature of a contractor's or service provider's engagement, they may fall under Council's responsibility with respect to the Reportable Conduct Scheme (for further information, refer to Council's Child Safe procedures). Should a situation arise where this is in question, specialist advice will be sought from the CCYP.

Reporting

Council has significant reporting obligations under the Child Safe Standards and the Reportable Conduct Scheme. Council will establish robust reporting processes to ensure all child safety matters are systematically recorded and assessed. Any incidents of suspected child abuse will be dealt with promptly, seriously and appropriately.

This policy and the Child Safe Standards and Reportable Conduct Scheme do not change criminal law obligations (see Criminal offences and the Charter of Human Rights and Responsibilities), or mandatory/other reporting responsibilities imposed by law on certain professionals and community members, such as registered nurses. Further information about mandatory reporting can be found in the *Children, Youth and Families Act 2005* (Vic).

In addition to the obligations set out in this policy, individuals must ensure they are compliant with their obligations under the law and any professional standards applying to them.

Please see attached *Reporting Quick Reference Guide*.

Record-keeping obligations

Council is committed to protecting an individual's right to privacy. All personal information recorded with respect to child safety matters will be managed in accordance with Council's Privacy Policy. Records will be retained in accordance with the recommendations of the Public Records Office Victoria.

Special provisions apply to records pertaining to allegations of sexual abuse:

- 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.
- When an allegation of child sexual abuse is made, full and accurate records will be created to document all aspects of the allegation and investigation. These records, in addition to any records generally pertaining to Council activities which are reasonably likely to be needed for current or future legal proceedings pertaining to child abuse, will be kept indefinitely by Council. This includes any civil or criminal proceeding or any inquiry in which evidence may be given before a court or person acting judicially (such as a Royal Commission or Board of Inquiry).
- These records will be properly managed, protected and retained over time and such records shall be subject to processes managed by Records Management, to ensure these requirements are met. Records pertaining to allegations of abuse shall be treated as highly confidential and shall only be accessed or disclosed as necessary for the organisation to execute its duties under this policy and any applicable law.

Where necessary authorised staff may share information with other government authorities and organisations, under the Family Violence Information Sharing Scheme and the Child Information Sharing Scheme, to promote children's wellbeing and safety. This helps Council to assess and manage family violence risk, and to create a more integrated system that responds to the needs of children, families and the wider community.

Criminal offences and the Charter of Human Rights and Responsibilities

Council and its staff and contractors will strictly comply with their legal responsibilities, including the following criminal law and human rights requirements.

Failure to Disclose offence: Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police without reasonable excuse is a criminal offence.

Failure to Protect offence: It is a criminal offence to fail to protect a child under the age of 16 from a risk of sexual abuse. The offence applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

Charter of Human Rights and Responsibilities: The *Charter of Human Rights and Responsibilities Act 2006* (Vic) provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

In addition to these legal responsibilities, all children and young people will be supported to assert their right to be safe, and free from harm or fear.

Reporting Quick Reference Guide

Who can report?

Administrator and/or Councillor, employee, volunteer, contractor, parent, child / young person, general public, any other person

What to report?

Any child safety concerns, including: disclosure of abuse or harm, allegation, suspicion or observation, breach of Child Safe Policy or Code, environmental safety issues

How?

Call 000 if a child is in immediate danger

Who has the concern	Who should be contacted for advice
Member of the public, child, parent	<ul style="list-style-type: none"> Any Council officer, who will then make a Council incident report; or Director Community Wellbeing, Unit Manager Human Resources or a Child Safe Officer on childsafety@whittlesea.vic.gov.au or (03) 9217 2170 (call will be directed via Customer Service); or Commission for Children and Young People on 1300 782 978 (if the concern relates to conduct of the CEO).
Employee, volunteer, contractor, student	<ul style="list-style-type: none"> Supervisor, who will then make a Council incident report; or The child safe key contacts on childsafety@whittlesea.vic.gov.au or (03) 9217 2170.
CEO	<ul style="list-style-type: none"> Director Community Wellbeing, Unit Manager Human Resources or a Child Safe Officer.
Administrator and/or Councillor	<ul style="list-style-type: none"> CEO; or Commission for Children and Young People on 1300 782 978 (if the concern relates to conduct of the CEO).