

Child Safeguarding Policy

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Approved by:	Chief Executive Officer

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1. TITLE

Child Safeguarding Policy

2. OBJECTIVE

To outline Council's commitment to a culture that prioritises the safety and wellbeing of all children and young people, and child safeguarding practices that prevent children and young people from abuse and harm.

3. BACKGROUND

The *Victorian Child Safe Standards* (the **Standards**) were first introduced in 2016 following the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations. All organisations that provide services or facilities for *children* and young people must comply with the Standards.

Following a review, new *Victorian Child Safe Standards* came into effect on 1 July 2022. There are 11 new Standards that are even stronger and align with the National Principles for Child Safe Organisations. They include minimum requirements that provide greater clarity for organisations about what they need to do. Compliance indicators list the documents and actions that demonstrate an organisation meets the minimum requirements.

In line with the Chief Executive Officer's statutory obligations under the *Reportable Conduct Scheme*, and the Child Wellbeing and Safety Act 2005, the Chief Executive Officer must report allegations that a person (18 years and over) employed or engaged by Glen Eira City Council has committed reportable conduct or misconduct that may involve reportable conduct to the *Commission for Children and Young People* and, where required, other relevant authorities.

This includes allegations of conduct or behaviour that occurred before, during or outside the course of employment or engagement with Council and whether or not the person works directly with *children* or young people.

Allegations of reportable conduct must be investigated. An independent investigator (internal or external) will be appointed to undertake the investigation. The standard of proof for reportable conduct investigations is based on the balance of probabilities. Investigations will be undertaken in line with Council's Child Safeguarding Investigation Procedure, Disciplinary Policy (where relevant) and any other legislative obligations.

The *Commission for Children and Young People* must be advised of reportable conduct investigation findings. Where required under relevant legislative obligations Council may also advise other relevant authorities of the investigation findings.

4. SCOPE

This Policy applies to all Glen Eira City Council employees, volunteers and work experience and placement students.

This Policy also applies to all contractors:

- providing services or facilities to *children* and young people
- that have access to the personal information of *children* and young people held by Council
- that work in areas where *children* and young people are present or would reasonably be expected to be present

Contractors included in Schedules 1 and 2 of the *Child Wellbeing and Safety Act 2005* must also comply with the Standards. Contractors outlined in Schedules 3-5 of the *Child Wellbeing and Safety Act 2005* and the *Child Wellbeing and Safety Regulations 2017* must also comply with the Reportable Conduct Scheme.

5. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Child/ren	Any person under the age of 18 years.
Child abuse	<p>The behaviour by a person or people in a position of responsibility, trust or power that results in a <i>child</i> or young person being harmed physically or emotionally. The term <i>child</i> abuse includes a wide range of harmful behaviour and conduct towards a <i>child</i> or young person, it may include but is not limited to following conduct:</p> <ul style="list-style-type: none"> • sexual abuse (against, with or in the presence of a <i>child</i> or young person) • sexual misconduct (against, with or in the presence of a <i>child</i> or young person) • physical violence (against, with or in the presence of a <i>child</i> or young person) • emotional/psychological abuse • neglect • grooming • family violence (against, with or in the presence of <i>child</i> or young person) <p>The Standards require Council to prevent and respond to <i>child abuse</i> or <i>harm</i> caused by adults, as well as other <i>children</i> and young people.</p>
Commission for Children and Young People	An independent statutory body that promotes the improvement in policies and practices affecting the safety and wellbeing of Victorian <i>children</i> and young people. The <i>Commission for Children and Young people</i> is a regulator for the <i>Victorian Child Safe Standards</i> and is responsible for administering the <i>Reportable Conduct Scheme</i> .
Cultural safety	<p>An environment that is safe for people, where there is no assault, challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience of learning, living and working together with dignity and truly listening.</p> <p><i>R Williams, 'Cultural Safety – what does it mean for our work practice? (1999) 23(2) Australian and New Zealand Journal of Public Health, p213</i></p>
Harm	<p>The damage to the health, safety or wellbeing of a <i>child</i> or young person. Harm can arise from a single act or event; it can also be cumulative as a result of a series of acts or events over time.</p> <p>The Standards require Council to prevent and respond to <i>child abuse</i> or harm caused by adults, as well as other <i>children</i> and young people.</p>
Mandatory reporting obligations	<p>Refers to the legal requirement, in the <i>Children, Youth and Families Act 2005</i>, of certain groups of people to report a <i>reasonable belief</i> of <i>child</i> physical or sexual abuse to child protection authorities.</p> <p>Council roles with mandatory reporting obligations include:</p> <ul style="list-style-type: none"> • Nurses • Early Childhood Teachers • Early Childhood Educators • the approved provider or nominated supervisor of a Council education and care service
Position of authority	Someone who, by reason of their position with Council, has the power or responsibility to reduce or remove a substantial risk of <i>child</i> sexual abuse.
Reasonable belief	A belief based on facts that would lead a reasonable person doing the same work or in the same situation to form the same belief based on those grounds. A reasonable belief does not require certainty, but it is more than a suspicion, it requires some objective basis.

	<p>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 <i>child</i> that the conduct occurred • receive information from another source who states a <i>child</i> or young person has been abused • observations of a <i>child's</i> physical condition, behaviour or development that leads someone to believe they have been abused • other circumstances or information that leads them to suspect that a <i>child</i> has been abused
Reportable Conduct Scheme	Established under the <i>Child Wellbeing and Safety Act 2005</i> . The Reportable Conduct Scheme seeks to improve organisations' responses to allegations of <i>child abuse</i> and neglect of their workers and volunteers. The <i>Commission for Children and Young People</i> are responsible for administering the Scheme.
Victorian Child Safe Standards	11 Standards that certain categories of organisations and businesses in Victoria are required to legislatively comply with. The Standards aim to: <ul style="list-style-type: none"> • promote the safety of <i>children</i> and young people • prevent <i>child abuse</i> • ensure organisations and businesses have effective processes in place to respond to and report all allegations of <i>child abuse</i>

6. POLICY

6.1 Child Safeguarding Commitment

Children and young people are valued and respected members of our community and have the right to be safe and feel safe, at all times. Glen Eira City Council makes the following commitments to *children* and young people:

- **Respect** – we value the diversity, identity and abilities of all *children* and young people, uphold equity and provide culturally safe environments for all, including Aboriginal and Torres Strait Islander *children* and young people.
- **Connection** – we enable participation and value the voices and contribution of all *children*, young people and their families.
- **Safe People** – the way we work with children and young people and, who works with children and young people is guided by our recruitment practices, training, and Child Safeguarding Code of Conduct.
- **Safe Environments** – our safeguarding practices help us identify risks and take action to ensure *children* and young people are safe and feel safe.

6.2 Creating and Maintaining a Child Safe Organisation

6.2.1 Council is committed to the continuous improvement of its *child* safeguarding practices including:

- *cultural safety* for Aboriginal and Torres Strait Islander *children* and young people, and opportunities for Aboriginal and Torres Strait Islander *children* and young people to share their cultural identity, express their culture and enjoy their cultural rights.
- inclusive and culturally safe practices that recognise, respect and celebrate the diversity of all *children* and young people, including *children* and young people from culturally and/or linguistically diverse backgrounds, *children* and young people with disability, *children* and young people who identify as lesbian, gay, bisexual, trans and/or intersex, non-binary or gender diverse, *children* and young people who are unable to live at home.
- upholding the rights of *children* and young people, in particular their rights to safety, information and participation.
- recruitment and screening processes that ensure only those who are suitable work with *children* and young people.
- support for staff and volunteers through ongoing training and education

- identification and mitigation of *child* safety and wellbeing risks in both physical and online Council environments.
- accessible and *child*-focused complaints policy and processes
- processes for reporting *child abuse* complaints and allegations to relevant authorities
- policies and procedures that reflect our organisational context and support Council's *child* safeguarding legislative requirements, including the *Victorian Child Safe Standards*

6.3 Child Safeguarding Code of Conduct

- 6.3.1 All Council staff, volunteers and contractors are required to act in accordance with Council's Child Safeguarding Code of Conduct.
- 6.3.2 Breaches of the Child Safeguarding Code of Conduct may result in disciplinary action in line with Council's Disciplinary Policy or further action under the relevant agreement or contract including termination of employment or engagement with Council.
- 6.3.3 Where a breach of the Child Safeguarding Code of Conduct may involve reportable conduct, Council will meet its obligations under the *Reportable Conduct Scheme*.

6.4 Reporting Child Safety and Wellbeing Concerns and Incidents

- 6.4.1 All Council employees, volunteers, contractors and work experience and placement students must report breaches of Council's Child Safeguarding Code of Conduct and any Council policies and procedures that outline requirements in relation to *child* safeguarding.
- 6.4.2 Council employees, volunteers, contractors and work experience and placement students must report a *reasonable belief* that *child abuse* or *harm* has occurred, is occurring or is at risk of occurring in a Council service and/or a *child* or young person's home or community.
- 6.4.3 Council employees with *mandatory reporting obligations* must also make a report to child protection 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.
- 6.4.4 Council's reporting procedures must be followed when reporting a *reasonable belief*, incident, disclosure, complaint or concern in relation to *child abuse* and *harm*, this may include reporting to appropriate authorities, in line with individual or Council legislative obligations.

6.4 Record Keeping and Information Sharing

- 6.4.5 The collection and storage of any information in relation to this Policy must be in line with Council's Privacy Policy, Health Records Policy and its legislative obligations.
- 6.4.6 Council keeps a record of *child abuse* and *harm* disclosures, *child* safeguarding incidents, complaints, allegations or concerns, including any required investigations and the related findings. Council will keep information confidential unless required to provide or report the information to meet its legislative obligations and prioritise the safety and wellbeing of a *child* or young person.

7. HUMAN RIGHTS CHARTER COMPATIBILITY

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

8. ASSOCIATED INTERNAL DOCUMENTS

Child Safeguarding Code of Conduct
Staff Code of Conduct
Disciplinary Policy
Employment Security Checks Policy
Employment Security Checks Procedures
Child Safeguarding Reporting Procedures
Child Safeguarding (Reportable Conduct Scheme) Investigation Procedures
Recruitment and Selection Procedures
Compliance Training Policy
Guidelines for Using and Taking Photos and Videos
Guide to Providing Online Services to Children & Young People
Councillor Child Safe Policy
Councillor Code of Conduct

7 EXTERNAL REFERENCES/RESOURCES

Child Wellbeing and Safety Act 2005
Children Youth & Families Act 2005 – Mandatory reporting obligations
Crimes Act 1958 - Failure to Protect & Failure to Disclose obligations
Wrongs Act 1958 – Organisational liability for child abuse
Victorian Child Safe Standards
Reportable Conduct Scheme
Family Violence Information Sharing Scheme
Child Information Sharing Scheme
A Guide for Creating a Child Safe Organisation 2022 – Commission for Children and Young People