

# Councillor Child Safe Policy

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<b>Position title of responsible business unit Manager:</b>	Manager Family, Youth & Children's Services & Executive Manager People & Culture
<b>Approved by:</b>	Council

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## **1. TITLE**

Councillor Child Safe Policy

## **2. OBJECTIVE**

The objective of this policy is to outline expectations for Councillors when interacting with children and young people and to outline their responsibilities in identifying, responding to and reporting child abuse.

## **3. SCOPE**

This Policy applies to all Glen Eira City Councillors.

## **4. POLICY**

### **4.1 Councillors**

All Councillors are responsible for supporting the safety, participation, wellbeing and empowerment of children and young people. Leadership responsibilities and behavioural expectations for Councillors when engaging with children and young people in our community are to:

- Be aware of and understand their obligations under the relevant legislation, the Councillor Code of Conduct and the Councillor Child Safe Policy.
- Treat all children and young people with respect, regardless of race, colour, sex, gender identity, sexual orientation, language, religion, political or other opinion, national, ethnic or social origin, culture, disability or other status
- Participate in training/education in relation to identifying, preventing and reporting child abuse
- Report all child abuse, concerns and reasonable beliefs, whether the child abuse has or is suspected to have taken place in the home, community or a Council service. Reports should be made to the Chief Executive Officer and where required to the relevant authority eg. Police and/or DHHS Child Protection
- Listen to children and young people with respect and respond appropriately in the context of their age and development, particularly if they are disclosing child abuse or are concerned with their own safety or that of another
- When undertaking duties as a Councillor, observe professional boundaries with children and young people at all times

Councillors should not, in the conduct of their duties:

- Disregard any concerns, suspicions or disclosures of child abuse
- Engage in inappropriate or open discussions of a mature or adult nature in the presence of children or young people
- Initiate unnecessary physical contact with children or young people or do things of a personal nature that children can do for themselves
- Have contact with a child, young person or family unless reasonable for the purpose of conducting Council business. Contact includes verbal, written, electronic as well as face-to-face
- Develop 'special relationships' with specific children or young people or show favouritism

## **4.2 Working with Children Checks**

- 4.2.1 Councillors are expected to maintain a current Working with Children Check (at a minimum a Volunteer Working with Children Check) throughout their term as a Councillor.
- 4.2.2 Councillors will provide the CEO with a copy of their Working with Children Check which will be securely stored.
- 4.2.3 Councillors will ensure that Glen Eira City Council is included in the organisations listed on their Working Children Check and that Working with Children Victoria is notified of changes to personal details within 21 days as per the Working with Children Act 2005.
- 4.2.4 If a Councillor is unable to obtain a Working with Children Check or their Working with Children Check is suspended/cancelled during their term, they may elect to restrict their duties to activities that do not have unsupervised interactions (direct or indirect) with children or young people.

## **4.3 Training and Education**

- 4.3.1 Councillors will undertake child safe training every two years to ensure they are informed of:
- Council's commitment to child safety
  - Councillor child safety obligations
  - How to identify, assess and minimise risks of child abuse
  - How to raise or report concerns or allegations of child abuse

#### 4.4 Reporting Allegations, Concerns and Complaints

- 4.4.1 Councillors will report any incidents, disclosures or suspicions of child abuse that have occurred or are at risk of occurring in the home, community or a Council service to the Chief Executive Officer and where required to the appropriate authority e.g. the Department of Health and Human Services Child Protection and Victoria Police, depending on who is involved, the nature and urgency of the matter
- 4.4.2 If a Councillor witnesses a child safety incident or believes a child is in immediate danger they should:
- Call 000 for urgent Police or medical assistance to respond to immediate safety or health concerns; and
  - Immediately notify the Chief Executive Officer
- 4.4.3 In the course of performing the duties of a Councillor, Councillors will report the following types of child abuse:
- **Sexual abuse**
  - **Sexual misconduct** – against or in the presence of a child/young person
  - **Grooming** – predatory conduct to prepare a child/young person for sexual activity
  - **Physical Violence** – against, with or in the presence of a child/young person
  - **Psychological/emotional harm**
  - **Neglect** – not meeting obligations to keep a child safe and well
  - **Family Violence** – against, with or in the presence of a child/young person

#### 4.5 Councillor Allegations, Investigations and Fair Procedures

- 4.5.1 In the event that the Chief Executive Officer is notified of child abuse allegations in relation to a Councillor, or a breach of the Councillor Child Safe Policy or Councillor Code of Conduct, the Chief Executive Officer will ensure where necessary and in accordance with relevant legislation that the appropriate authorities are notified.
- 4.5.2 Where allegations relate to the conduct of a Councillor in their official capacity, the Chief Executive Officer will refer the matter to the Councillor Conduct Reference Group. The Councillor Conduct Reference Group may appoint a suitably qualified independent investigator to conduct an investigation. The impartial investigation will apply the principles of natural justice and procedural fairness.
- 4.5.3 It is expected that Councillors will cooperate with any investigation process and will be provided with the opportunity to respond to the allegations. A Councillor who is the subject of an investigation may, on a 'without admission basis', voluntarily take a leave of absence during the course of the investigation.
- 4.5.4 At the conclusion of the investigation a confidential investigation report will be provided to the Councillor Conduct Reference Group for consideration of action which may include but is not limited to the following:

- Recommend that the Councillor/s undertake appropriate training and/or make an apology in a particular form or manner to an individual or group
- Refer the findings to any appropriate authority where required

4.5.5 All allegations and investigations of child abuse and safety concerns will be recorded by Council and securely stored.

4.5.6 Council is committed to the protection of all individuals who report suspected child abuse in good faith. Detrimental action must not be taken against any individual who reports an allegation of child abuse in good faith, unless it has been deemed as victimisation.

#### **4.6 Risk and Empowering Children and Young People**

4.6.1 When making decisions that impact children and young people; Councillors will consider the rights of children and young people as well as risks to their safety and wellbeing.

#### **4.7 Support**

4.7.1 Support will be made available through the appropriate agencies for those affected by an allegation of child abuse.

#### **4.8 Privacy**

4.8.1 The collection of any information in relation to this Policy will be in line with Council's Privacy Policy. Where Councillors or Council are required to make a report, the law requires personal information to be included in the report provided to the relevant agencies eg. DHHS Child Protection, Commission for Children and Young People or the Police.

4.8.2 All records will be retained in accordance with Council's record keeping requirements under the Public Records Act 1973 and privacy requirements under the Privacy & Data Protection Act 2014 and Council's Privacy Policy.

### **5. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

## 6. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Adult	Any person 18 years of age and above
Child/Young Person	Any person aged below 18 years of age
Child Abuse	<p>Types of child abuse can include:</p> <ul style="list-style-type: none"><li>• Physical abuse – occurs when a child suffers or is likely to suffer significant harm from an injury inflicted either intentionally or through the inadvertent consequence of physical punishment or physically aggressive treatment of a child</li><li>• Sexual abuse – occurs when an adult involves a child in sexual activity, or deliberately puts a child in the presence of sexual behaviours that are exploitive or inappropriate to age and development. Child sexual abuse can involve a range of sexual activity including fondling, masturbation, penetration, voyeurism and exhibitionism. It can also include exposure to or exploitation through pornography or prostitution.  Reporting child sexual abuse is a community-wide responsibility. Every adult in Victoria who has a reasonable belief that an adult has committed a sexual offence against a child (under age 16) has an obligation to report the information to the police – this applies whether the child is in their organisation or not. Failure to disclose a reasonable belief may result in criminal penalty</li><li>• Sexual misconduct – misconduct of a sexual nature performed against, with or in the presence of a child. It may not be criminal in nature but is a departure from professional standard, policies or reasonable expectations eg. Overly personal or intimate conduct for potential or actual sexual arousal or gratification</li><li>• Serious emotional or psychological abuse – occurs when harm is inflicted on a child through repeated rejection, isolation or by threats of violence. It can include derogatory name-calling and put-downs, or persistent and deliberate coldness from a person.</li><li>• Serious neglect – is continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or likely to be, jeopardised</li></ul>

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- Family violence – is any violent or threatening behaviour including physical, verbal, emotional, psychological, sexual, financial or social abuse that occurs in any current or previous family, domestic or intimate relationship. A child witnessing this behaviour is considered child abuse
  - Grooming – targets communication including online communication with a child under the age of 16 or their parents with the intent of committing child sexual abuse. Grooming does not necessarily involve sexual activity or discussion. It is the establishment of a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time. Conduct determined to be grooming may result in criminal penalty
  - Racial, cultural and religious abuse – is behaviour that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture or religion. It may be direct or indirect by demonstrating a lack of cultural respect and awareness or failing to provide positive images about another culture

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<b>Council</b>	Glen Eira City Council, whether constituted before or after the commencement of this Policy
<b>Indicators of Abuse</b>	<p>Physical Abuse</p> <ul style="list-style-type: none"> <li>• Physical Signs - unexplained bruises, cuts, burns, broken or fractured bones</li> <li>• Behavioural Signs - showing wariness or distrust of adults, wearing long-sleeved clothes on hot days (to hide injury), fear of specific people, change in academic performance</li> </ul> <p>Sexual Abuse</p> <ul style="list-style-type: none"> <li>• Physical Signs - presence of sexually transmitted diseases, pregnancy, vaginal or anal bleeding or discharge, excessive or sudden increase in bed wetting or soiling</li> <li>• Behavioural Signs - displaying sexual behaviour or knowledge that is unusual for the child's age, difficulty sleeping, nightmares, being withdrawn, clinginess, complaining of headaches or stomach pains, fear of specific people, showing wariness or distrust of adults, displaying aggressive behaviour</li> </ul> <p>Emotional Abuse</p> <ul style="list-style-type: none"> <li>• Physical Signs - delays in emotional, mental or even physical development</li> <li>• Behavioural Signs - low self-esteem, high anxiety, aggressive or demanding behaviour, being withdrawn, passive or tearful, self-harming</li> </ul>

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#### Neglect

- Physical Signs - frequent hunger, malnutrition, poor hygiene, inappropriate clothing
- Behavioural Signs - stealing food, staying at school outside of school hours, aggressive behaviour, misusing alcohol or drugs, academic issues

#### Family Violence

- Physical Signs - speech disorders, delays in physical development, bruises, cuts, welts, internal injuries
- Behavioural Signs - aggressive language and behaviour, nervous and withdrawn, adjustment problems, passive and compliant behaviour, low tolerance and frustration, wariness or distrust of adults, demonstrated fear of parents/carers or of going home, anxiety and/or depression

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#### **Suspicion of Abuse/Reasonable Belief**

A reasonable belief is not the same as having proof. The test for whether a belief is reasonable is whether a reasonable person in the same position would have formed the belief on the same grounds. This may include but is not limited by:

- A child or young person stating they have been sexually abused
  - A child or young person stating they know someone who has been abused
  - Someone who knows a child or young person stating that the child or young person has been sexually abused
  - Professional observations of a child or young person's behaviour or development leading a professional to form a belief that the child or young person has been sexually abused
  - Signs of sexual abuse leading to a belief that the child or young person has been sexually abused
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## **7. ASSOCIATED INTERNAL DOCUMENTS**

Glen Eira City Council Councillor Code of Conduct

## **8. EXTERNAL REFERENCES/RESOURCES**

Children, Youth and Families Act 2005  
Charter of Human Rights and Responsibilities Act 2006  
Crimes Amendment (Protection of Children) Act 2014  
Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (VIC)  
Commission for Children and Young People, A Guide for Creating a Child Safe Organisation (VIC)  
Commission for Children and Young People, Guidance for Organisations: Investigating a Reportable Conduct Allegation  
Working with Child Children Act 2005 (VIC)  
Working with Children Amendment Bill 2016 (VIC)  
Education and Care Services National Regulations 2011, Australian Government  
National Quality Standard for Early Childhood Education and Care and School Age Care, Australian Government  
Education and Care Services National Law Act 2010, Australian Government