

Child Safe

Policy Number:	2018/03	Directorate:	Community Services
Approval by:	EMT	Responsible Officer:	Director Community Services
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1. Purpose

This policy formalises Knox City Council's commitment to:

- Being a child safe organisation
- A zero tolerance response to child abuse
- Preventing and reporting of child abuse
- Promoting the cultural safety, participation and empowerment of Aboriginal/Torres Strait Islanders children and young people
- Promoting the cultural safety, participation and empowerment of children and young people from culturally and/or linguistically diverse backgrounds
- Ensuring that children and young people with a disability are safe and can participate equally

2. Context

The Victorian Government initiated an inquiry into the handling of child abuse allegations within religious and other non-government organisations. The Betrayal of Trust Report, which detailed the inquiry findings was tabled in parliament in 2013.

The Betrayal of Trust Report made a range of recommendations, including the need to, better protect children from abuse when they access services provided by organisations. The Child Safe Standards and the Reportable Conduct Scheme are part of the Victorian Government's commitment to implementing these recommendations.

The Child Safe Standards and Reportable Conduct Scheme create distinct sets of responsibilities for organisations, but are designed to complement each other and strengthen the capacity of organisations to prevent and respond properly to allegations of child abuse. Knox City Council has a legal obligation to comply with the Child Safe Standards and Reportable Conduct Scheme and has appointed Child Safe Officers to support this.

3. Scope

The Victorian Child Safe Standards and Reportable Conduct Scheme apply to all organisations that exercise care, supervision and authority over children and young people. This policy applies to all Council People and guides Council People on how to behave with children and young people in our organisation.

4. References

4.1 Community & Council Plan 2017-2021

- We are safe and secure
- We are healthy, happy and well
- We are inclusive, feel a sense of belonging and value our identity
- We have confidence in decision making

4.2 Relevant Legislation

- Child Wellbeing and Safety Amendment (Child Safety Standards) Act 2015
- Reportable Conduct Scheme
- Children, Youth and Families Act 2005
- Working with Children Act 2005
- Crimes Act 1958 (VIC) (s 327)
- Family Violence Protection Act 2008
- Equal Opportunity Act 2010
- Privacy and Data Protection Act 2014
- Privacy Act 1988

4.3 Charter of Human Rights

- This policy has been assessed against and complies with the charter of Human Rights.

4.4 Related Council Policies

- Background and Security Checks
- Selecting for Excellence
- Disciplinary
- Privacy and Data Protection
- Equal Opportunity and Sexual Harassment
- Email, Internet and Web
- Mobile Device
- Social Media
- Family Violence
- Staff Code of Conduct
- Volunteer Code of Conduct

4.5 Related Council Procedures

- Identifying, Responding To and Reporting Child Safety Concerns
- Background and Security Check
- Disciplinary Procedure
- Equal Opportunity and Sexual Harassment Procedure
- Family Violence Procedure

5. Definitions

Aboriginal/Torres Strait Islander Child	<p>A person under the age of 18 who:</p> <ul style="list-style-type: none"> • is of Aboriginal or Torres Strait Islander descent • identifies as being of Aboriginal or Torres Strait Islander origin, and is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander Community
Adult	Any person aged 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"> • 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 • Sexual abuse – occurs when an adult uses their authority to involve a child in sexual activity. This activity could be fondling genitals, masturbation, vaginal or anal penetration by a finger, penis or any other object, voyeurism or exhibitionism. • Emotional abuse – occurs when a child is repeatedly rejected, isolated, humiliated or threatened or through witnessing family violence. This may include continued name calling, put downs etc • Neglect – is the failure to provide a child with the basic necessities of life which may include, nutrition, clothing, shelter, supervision and medical attention to the extent the child’s health and development is or is likely to be significantly harmed • 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 • 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 • 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 in direct by demonstrating a lack of cultural respect and awareness or failing to provide positive images about another culture
Children from culturally and/or linguistically diverse backgrounds	<p>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. 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.</p>

Child Safe Standards	<p>The Child Safe Standards are a central feature of the Victorian Government’s response to the Betrayal of Trust Inquiry and aim to improve the way organisations that provide services for children and young people, prevent and respond to child abuse that may occur within their organisations. The Standards include:</p> <ol style="list-style-type: none"> 1. Strategies to embed an organisational culture of child safety, including through effective leadership arrangements 2. A Child Safe Policy or Statement of Commitment to Child Safety 3. A Code of Conduct that establishes clear expectations for appropriate behaviour with children and young people 4. Screening, supervision, training and other human resource practices that reduce the risk of child abuse by new and existing personnel 5. Processes for responding to and reporting suspected child abuse 6. Strategies to identify and reduce or remove risks of child abuse <p>Strategies to promote the participation and empowerment of children and young people</p>
Child Safety	<p>In the context of the child safe standards, child safety means measures to protect children and young people from abuse.</p>
Children with a Disability	<p>A disability can be any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child or young person’s ability to undertake everyday activities. A disability can occur at any time in life. Children and young people can be born with a disability or acquire a disability suddenly through an injury or illness. Some disabilities may be obvious while others are hidden.</p>
Council	<p>Knox City Council, whether constituted before or after the commencement of this Policy.</p>
Council People/Person	<p>Staff - Any permanent, part-time, temporary or casual employee of Knox City Council</p> <p>Contractor/Agency/Labour Hire Worker - Any contractor or agency/labour hire worker who provides services or undertakes work on behalf of Knox City Council.</p> <p>Volunteer/s</p> <p>A member of the public when contributing directly to a Council program/service/event and who:</p> <ul style="list-style-type: none"> • is registered as a Council volunteer; or • is part of any count with regard to volunteer hours contributed to Council programs/services/events <p>For the purposes of this Policy the definition of a volunteer also includes students on work/student placement from an educational institution.</p> <p>Adult Associated with Council - This includes an employee, volunteer or contractor over the age of 18 that works for or provides services to Council e.g. A parent that volunteers at a preschool.</p>
Indicators of Abuse	<p>Physical Abuse</p> <ul style="list-style-type: none"> • Physical Signs – unexplained bruises, cuts, burns, broken or fractured bones • Behavioural Signs – showing wariness or distrust of adults, wearing long-sleeved cloths on hot days (to hide injury), fear of specific people, change in academic

performance

Sexual Abuse

- Physical Signs – presence of sexually transmitted diseases, pregnancy, vaginal or anal bleeding or discharge, excessive or sudden increase in bed wetting or soiling
- 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

Emotional Abuse

- Physical Signs – delays in emotional, mental or even physical development
- Behavioural Signs – low self-esteem, high anxiety, aggressive or demanding behaviour, being withdrawn, passive or tearful, self-harming

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

Negligently Fails	Inaction knowing there is a substantial risk
Position/Person of Authority	Is dependent on the degree of supervision, power or responsibility to remove or reduce substantial risk posed by an adult associated with Council. A position of authority can include Councillors, Executive Management, Managers, staff, volunteers and contractors
Reasonable Belief	<p>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 not limited by:</p> <ul style="list-style-type: none"> • 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

Substantial Risk

In the context of this policy a “substantial risk” relates to the likelihood that a child or young person will become a victim of sexual abuse by a person associated with Council.

A risk will be a substantial risk if a person forms the reasonable belief there is a significant likelihood or probability that a child or young person will become a victim of sexual abuse.

There are a number of factors that may assist in determining whether a risk is a substantial risk. These include:

- The likelihood or probability that the child or young person will become the victim of a sexual offence
- The nature of the relationship between a child or young person and the adult who may pose a risk to the child or young person
- The background of the adult who may pose a risk to the child or young person, including any past or alleged misconduct
- Any vulnerabilities particular to a child or young person which may increase the likelihood that they may become the victim of a sexual offence
- Any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child or young person.

When determining whether a risk is substantial, the courts will consider a variety of factors, which may include those listed above. The courts will consider all the facts and circumstances of the case objectively, and will consider whether a reasonable person would have judged the risk of a sexual offence being committed against the child or young person as substantial. It is not necessary to prove that a sexual offence, such as indecent assault or rape, was committed.

6. Council Policy

6.1 Knox Council’s Statement of Commitment

Children and young people are vital and active participants in our community and Knox City Council is committed to protecting the physical, emotional, cultural and social wellbeing of all children and young people.

Council has zero tolerance towards child abuse and is committed to the prevention, investigation and reporting of all child abuse.

Knox City Council recognises that our children and young people’s safety is a whole of community responsibility and is everyone’s business.

Our commitment to providing a safe environment for children and young people includes policies and systems to protect children and young people and the ongoing education of all Councillors, employees, contractors and volunteers on child safety.

6.2 Our People

- 6.2.1 This Policy guides all Council People on how to behave with children in our organisation. All Council People must abide by the relevant Council Code of Conduct.
- 6.2.2 All Council people are responsible for supporting the safety, participation, wellbeing and empowerment of children and young people. Following are the behavioural expectations when working with children and young people:
- Adherence to Council's Child Safe Policy and Responding to and Reporting Child Abuse Procedure at all times as well as the appropriate Code of Conduct
 - Take all reasonable steps to protect children and young people from child abuse
 - Treat all children and young people with respect and in the context of their age and development
 - Listen and respond to the views and concerns of children and young people, particularly if they are disclosing child abuse or are concerned with their own safety or that of another
 - Promote the cultural safety, participation and empowerment of Aboriginal children and young people
 - Promote the cultural safety, participation and empowerment of children and young people with culturally and/or linguistically diverse backgrounds
 - Promote the safety, participation and empowerment of children and young people with a disability
 - Ensure as far as practicable that adults/Council people are not left alone with a child or young person. If this is a recognised, necessary part of the service being provided for child or young person, this should be documented and overseen by a direct manager of the adult/Council person
 - Report any child safety concerns or allegations of abuse to a Child Safe Officer. If it is reasonably believed a child or young person is at immediate risk of abuse this should be reported to police immediately
 - Encourage children and young people to inform and contribute in all relevant organisational activities where possible, especially on issues that are important to them as citizens and members of their community

Inappropriate behaviour is identified as:

- Developing any 'special' relationships with children and young people that could be viewed as favouritism and/or grooming
- Exhibiting behaviours with children which may be construed as unnecessarily physical
- Putting children and young people at risk of child abuse
- Doing things of a personal nature that a child or young person can do for themselves, e.g. toileting or changing clothes
- Engaging in open discussions of a mature or adult nature in the presence of children and young people
- Utilising inappropriate language in the presence of children and young people

- Expressing personal views on cultures, race or sexuality in the presence of children and young people
- Discriminating against any child or young person, including because of culture, race, ethnicity or disability
- Forming relationships or having contact with a child, young person or their family outside of their role at Council without the knowledge and/or consent of a Child Safe Officer and the appropriate line manager e.g. babysitting. Incidental contact e.g. seeing people in the street does not fall into this category.
- Having any online contact with a child, young person or their family unless necessary for the purpose of conducting Council business.
- Ignoring or disregarding any suspected or disclosed child abuse

6.3 Legislative Requirements

6.3.1 Knox City Council takes its obligations in relation to protecting children and young people and reporting abuse seriously, including:

- Failure to disclose: Reporting child sexual abuse is a community wide responsibility. Any adult who forms a reasonable belief that a sexual offence has been committed or is at risk of being committed against a child (under age 16) must disclose the information to police. Failure to disclose a reasonable belief may result in criminal penalty
- Failure to protect: Council people with the power or responsibility to reduce or remove a substantial risk of a child sexual offence being committed by another person associated with Council must not negligently fail to do so. Failure to protect may result in criminal penalty
- Grooming: The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time. The offence occurs where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct. Conduct determined to be grooming may result in criminal penalty

6.4 Training and Supervision

6.4.1 Training and education, as well as supervision are important to ensure all Council People understand that the wellbeing and safety of children and young people is everyone's responsibility and where all people feel comfortable and confident in discussing concerns or allegations of child abuse.

6.4.2 Council People will be provided with ongoing training and education to ensure they understand:

- Council's commitment to child safety
- How to identify, assess and minimise risks of child abuse
- How to raise or report concerns or allegations of child abuse

- 6.4.3 All Council People will be supervised regularly to ensure they understand Council's commitment to child safety and that everyone has a role to play in protecting children and young people from abuse; as well as ensuring that their conduct towards children and young people is appropriate.

6.5 Recruitment

- 6.5.1 Council will take all reasonable steps to ensure that it recruits the most appropriate people to work with children and young people.
- 6.5.2 Council's recruitment and selection processes are designed to reduce the risk of child abuse by new and existing Council people. Council understands that when recruiting it has both ethical and legislative obligations and will comply with all relevant regulatory and legal requirements.
- 6.5.3 Council's selection criteria, advertisements and screening processes, including interviews, reference checks and background security will demonstrate Council's commitment to child safety.
- 6.5.4 Council's Background and Security Checks Policy outlines the requirements for conducting Working with Children Checks and Police Records Check for both potential and existing Council people.

6.6 Risk Management

- 6.6.1 In addition to general occupational health and safety risks, Council's integrated risk management strategies will identify, assess and minimise child abuse risks within both physical and online environments.

6.7 Reporting Allegations, Concerns and Complaints

- 6.7.1 Council takes all allegations, concerns and complaints in relation to child abuse for any child or young person under the age of 18 years seriously and has practices in place to investigate thoroughly and quickly.
- 6.7.2 All Council People have a responsibility to report an allegation of child abuse if they have a reasonable belief that an incident has occurred or is at risk of occurring. Council will work with children, young people, families, Council People and people associated with Council to ensure they know what to do and who to tell if they form a reasonable belief or are a victim of child abuse.
- 6.7.3 Any inappropriate conduct will be reported to the appropriate authority including, Child Protection, Victoria Police or the Commission for Children and Young People, depending on who is involved, severity and urgency of the matter.
- 6.7.4 When reporting an allegation the processes outlined in Council's Identifying, Responding to and Reporting Child Abuse Procedures must be followed.

6.8 Fair Procedures

- 6.8.1 The safety and wellbeing of children and young people is Council's primary concern. The decisions Council makes when recruiting, investigating and assessing allegations and undertaking disciplinary actions will always be thorough, transparent and based on evidence.

6.8.2 All allegations of abuse and safety concerns will be recorded by Council and securely stored. All investigations into allegations will be carried out in line with Council's Identifying, Responding to and Reporting Child Abuse Procedures, Council's Disciplinary Policy and Procedures and any legislative requirements.

6.9 Roles and Responsibilities

6.9.1 **Executive Management Team (EMT):** The Chief Executive Officer and Directors are responsible for providing leadership and good governance for the organisation. In addition to the responsibilities of all Council People, EMT is also responsible for strengthening Council's child safety and wellbeing culture. This will be achieved through ensuring:

- The organisation has appropriate policies and procedures in place for the prevention and reporting of child abuse
- Allegations of child abuse are reported and fully investigated
- Support is provided for all Council People in undertaking their child safety and wellbeing obligations

The Chief Executive Officer is additionally 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
- Investigating any allegations (subject to Police clearance on criminal matters) and notifying the Commission who is undertaking the investigation. Managing any risks to children and young people
- Updating the Commissions 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 action was taken)

6.9.2 **Child Safe Officers:** In addition to the responsibilities of all Council People, the Child Safe Officers will:

- 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 Council People and/or community members through Council's Employee Assistance Program or other appropriate organisations

Council's Child Safe Officers are:

- Manager Family & Children's Services
- Manager City, Safety & Health
- Manager Youth, Leisure & Culture
- Manager Operations
- Manager Active Ageing & Disability Services
- Manager People Performance – for incidents/allegations involving staff and volunteers
- Manager Governance & Strategy – for incidents/allegations involving Councillors

6.9.3 Senior Managers must (in addition to the responsibilities of all Council People) :

- Ensure all Council People have access to and are aware of their obligations under the relevant legislation, Code of Conduct and Council's policies and procedures in relation to child safety and wellbeing
- Take reasonable steps to identify any potential risks to child safety and wellbeing within their department and that these risks are removed or minimised
- Ensure that all Council People receive and undertake regular training/education in relation to identifying, preventing and reporting child abuse
- Receive and refer any child safety concerns to Council's Child Safe Officers and/or the relevant authority depending on the urgency of the issue
- Act to protect a child or young person and initiate internal processes for reporting and/or investigation of allegations, including the disciplinary process if required
- Ensure that confidentiality and privacy of all personal information is maintained in line with relevant legislation and Council's policies and procedures

6.9.4 All Council People must:

- Be aware of and understand their obligations under the relevant legislation, Code of Conduct and Council's policies and procedures in relation to child safety and wellbeing
- Provide an environment where children and young people feel safe, empowered and can participate
- Participate in training/education in relation to identifying, preventing and reporting child abuse
- Report all concerns and reasonable beliefs in relation to a child or young person being abused or at risk of being abused to Council's Child Safe Officers and/or the relevant Manager. All Council People are required to report child abuse whether it has or is, suspected to have taken place in the home, community or a Council service

6.9.5 **Agency/Labour Hire Workers and Contractors**

- Agency/Labour Hire workers and contractors share responsibility for the prevention and reporting of child abuse or suspected child abuse
- Council will ensure that the same standards that apply to Council also apply to agency/labour hire workers and contractors under their contractual obligations

6.9.6 **Council Owned and Controlled Facilities**

- Council has relationships with many clubs and other organisations that utilise Council facilities for activities that involve care, supervision and authority over children.
- Where appropriate, lessees / licensees of Council facilities will be obligated under the lease / license to conduct their activities at Council venues in accordance with the Child Safe Standards and Reportable Conduct Scheme

6.10 Empowering Children

6.10.1 Council policies and procedures relating to children and young people will promote participation and empowerment of children and young people.

6.10.2 Council programs will build in strategies to promote participation and empowerment of children and young people as well as raise awareness in the organisation and community about children's and young people's rights.

6.10.3 Services working directly with children and young people will have simple and accessible processes that assist children and young people in understanding their rights and what to do if inappropriate behavioural concerns exist.

6.11 Support

6.11.1 Council recognises that situations and discussions relating to child abuse can be confronting and challenging. For those requiring additional support the following is available:

- Staff can seek support through Council's EAP program
- Details of organisations that can offer expertise and support in relation to child abuse will be included in Council's Identifying, Responding To and Reporting Child Safety Concerns Procedures

6.12 Privacy

6.12.1 The collection of any information in relation to this Policy will be in line with Council's Information Privacy and Data Protection Policy.

6.12.2 Personal information collected in relation to this Policy will respect the privacy of the individuals involved whether they be staff, volunteers, contractors, agency workers, parents, children or young people.

However, where Council People 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.

It is important therefore that where there is a child safety concern, Council People do not promise a child, young person or other affected person that their report will be kept secret or not be disclosed.

6.12.3 Where Council People inappropriately disclose confidential information it may result in further action under the appropriate Code of Conduct.

7. Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.