



# Operational Policy

## CHILD SAFE

### PURPOSE

This Policy outlines Council's commitment to child safety by creating and maintaining a child safe community and a child safe workplace that supports the health and wellbeing of all of Colac Otway Shire's children.

The Colac Otway Shire is committed to creating and maintaining a child safe organisation where protecting children and preventing and responding to child abuse is embedded in the everyday thinking and practice of all Councillors, employees, contractors and volunteers.

Within this policy, there is a commitment to respecting the diverse and unique identities and experiences of Aboriginal children and young people. Council is also committed to understanding children and young people's diverse circumstances including those with disability, and providing support and responses to those who are vulnerable. Council acknowledges the importance of friendships, whereby support from peers is encouraged to help children and young people feel safe and be less isolated.

This Policy reflects Council's legislative responsibility in meeting the requirements of the Child Safe Standards and our commitment to the community to create and sustain an environment where children are safe and protected from abuse.

### SCOPE

Council is committed to creating a culture of child safety and recognises that protecting children and preventing and responding to child abuse is an organisation wide responsibility.

This Policy applies to all councillors, employees including any person directly employed by the Colac Otway Shire or employed through an agency or on a contract basis, Council's volunteers and work experience/work placement students, irrespective of their involvement in child related duties.

This also applies to all environments where Council does business, including in Council buildings, offsite, working from home and online.

Council recognises the need to engage and openly communicate with families and the community about its child safe approach.



**Council** - Means Colac Otway Shire Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989

**Councillors** - Means the individuals holding the office of a member of Colac Otway Shire Council

**Aboriginal Child** - A person under the age of 18 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** - A person under 18 years of age

**Child abuse** - Any act committed against a child involving: physical violence, sexual offences, serious emotional or psychological abuse and serious neglect.

**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.

**Child related work** - Work within one or more of the occupational fields defined in the Act where the contact with children is direct, unsupervised, and part of a person's duties, not incidental to their work.

**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.

**Children with a disability** - A disability can be any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child's ability to undertake everyday activities. A disability can occur at any time in life. Children 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.

**Cultural safety for children from culturally and/or linguistically diverse backgrounds** - An environment which is spiritually, socially and emotionally safe, as well as physically safe for children; where there is no assault, challenge or denial of their cultural or linguistic identity, of who they are and what they need. Efforts need to be made to ensure the culturally and/or linguistically diverse children and their families receive information in a culturally sensitive, relevant and accessible manner, including in relevant community languages.

**Cultural safety of Aboriginal children** - Cultural safety encompasses the child being provided with a safe, nurturing and positive environment where they are comfortable with being themselves, expressing their culture, their spiritual and belief systems, and they are supported by the carer and family.

**Online:** Online refers to any interactions with children over email, social media, web platforms, online conferencing, chat rooms and live or pre-recorded broadcasts. Council's online activities seek to protect the child's right to privacy, access to information, social connections and learning opportunities and promote safety and wellbeing.

**LGBTIQ+** - this is an acronym that stands for lesbian, gay, bisexual, transgender, intersex, queer/questioning and asexual plus, children and young people.



Child Wellbeing and Safety Amendment (Child Safety Standards) Act 2015

[http://www.legislation.vic.gov.au/Domino/Web\\_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/690DA8EB155B14D6CA257F0E000657C6/\\$FILE/15-063aa%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/690DA8EB155B14D6CA257F0E000657C6/$FILE/15-063aa%20authorised.pdf)

Department of Health and Human Services – Child Safe Standards

[www.dhs.vic.gov.au/about-the-department/plans,-programs-and-projects/projects-and-initiatives/children,-youth-and-family-services/creating-child-safe-organisations](http://www.dhs.vic.gov.au/about-the-department/plans,-programs-and-projects/projects-and-initiatives/children,-youth-and-family-services/creating-child-safe-organisations)

Working with Children

<http://www.workingwithchildren.vic.gov.au/>

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## GUIDELINES/POLICY DETAILS

### Context

On 17 April 2012, the Victorian Government initiated the *Family and Community Development Committee's Inquiry into the Handling of Child Abuse by Religious and Other Organisations (Betrayal of Trust Inquiry)*.

The *Betrayal of Trust* report was tabled in Parliament on 13 November 2013 and made 15 recommendations including compulsory minimum standards for creating child-safe environments.

On 26 November 2015, the Victorian Parliament passed the *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015* (The Act) to introduce Child Safe Standards.

The seven Child Safe Standards support organisations that provide services to children to prevent; child abuse, encourage reporting of abuse and increase the effectiveness of responses to allegations of child abuse.

Council will support the Child Safe Standards through the review of the following Policy documents and their supporting documentation (but not limited to):

- Council Plan 2021-2025
- Municipal Public Health and Wellbeing Plan 2021-2025
- Access, Equity and Inclusion Plan 2017 - 2021
- Human Resources Policy and Processes
- Code of Conduct for Councillors, Employees and Volunteers
- Communications and Consultation Policy
- Events Policy
- Municipal Neighbourhood Safer Places Plan
- Volunteer Participation Policy



## Policy

The Policy meets Council's obligations under Standard 2 of the Child Safe Standards – 'A *child safe policy or statement of commitment to child safety*' and provides the opportunity for Council to improve their existing processes and practices and enhance the culture of child safety for the Colac Otway Shire.

### Commitment to Child Safety

Council has zero tolerance of child abuse and is committed to creating and maintaining a child safe and child friendly community where all children are valued and protected from abuse.

The Colac Otway Shire is committed to creating and maintaining a child safe organisation where protecting children from abuse is embedded in the everyday thinking and practice of Council, all employees, Councillors, contractors and volunteers.

Council will periodically provide training and information to implement the organisation's Child Safe Policy and staff Code of Conduct, which will include responding effectively to issues of child safety and wellbeing, how to build culturally safe environments, and recognise indicators of child harm.

### Our Children

The Colac Otway Shire recognises children as active citizens and is committed to advocating for the rights of children as valued members of the community.

### Diversity

The Colac Otway Shire is a diverse community and is home to residents from many countries.

Council values and celebrates diversity within the community and workforce, and actively encourages the safety, participation and empowerment of all children.

The Colac Otway Shire supports the health and wellbeing of all the Shire's children, and is committed to:

- Promoting the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds.
- Promoting the participation and empowerment of Aboriginal children and children from culturally and/or linguistically diverse backgrounds.
- Providing a safe environment for children with a disability and will act to encourage their participation.

### Legislative Requirements

The Colac Otway Shire has processes in place that will enable all Councillors, employees, contractors and volunteers to be aware of the organisation's responsibilities as well as their own, regarding legal obligations relating to child abuse and reporting to appropriate authorities. This includes:

- **Failure to disclose:** Reporting child sexual abuse is a community-wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police.



- Any personnel who are **mandatory reporters** (doctors, nurses, midwives, teachers (including early childhood teachers), principals and police) must report to child protection if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse
- **Grooming:** Grooming offence targets communication, including online communication, with a child under the age of 16 or their parents with the intent of committing child sexual abuse. This offence targets predatory conduct undertaken to prepare a child for sexual abuse at a later time with the groomer (aged 18 years old or over) or another adult.
- **Failure to protect:** People of authority within the Council will commit an offence if they have the power or responsibility to reduce or remove a substantial risk, where a child under the age of 16 years may become the victim of sexual abuse committed by an adult associated with the organisation; but negligently fail to do so.

Further information about the failure to disclose offence, failure to protect offence and mandatory reporting is available from Department of Justice and Regulation, available on their website.

### **Information Sharing**

Sharing relevant information can be critical to managing child safety. Council's Maternal and Child Health service is a prescribed Information Sharing Entity under the Victorian Government's Child Information sharing Scheme and the Family Violence Information Sharing Scheme (the Information Sharing Schemes). These schemes allow authorised organisations to share information with each other to support child wellbeing and safety and the prevention of family violence.

### **Risk Management**

Council is responsible for effectively identifying and managing risk and for promoting a safe and healthy environment for employees, volunteers and the community.

In addition to general occupational health and safety strategies, the Colac Otway Shire will review and further develop risk management policies to ensure they comply with the Child Safe Standards.

### **Reporting and Responding to a Child Safety Concern**

The Colac Otway Shire is committed to complying with all legal requirements regarding child safety concerns and where an alleged/suspected incident occurs, and provides structured reporting and responding processes that protect and support the health and wellbeing of children.

The Colac Otway Shire takes all allegations of abuse seriously and will investigate all allegations fairly and appropriately. All reports of allegations and child safety concerns will be recorded and stored securely.

### **Support**

Where appropriate, following a child safety concern Council will:

- Assist alleged victims and their families to access counselling and support services.
- Provide support to affected staff through Council's Employee Assistance Program.



### **Employees, Contractors and Volunteers**

The Chief Executive Officer (CEO) is responsible for appointing, directing and managing employees, contractors and volunteers.

The Colac Otway Shire will implement accurate and effective screening tools during the recruitment process to employ suitable employees, contractors and volunteers to minimise the risk of inappropriate individuals from entering the organisation.

The Colac Otway Shire has processes in place to ensure employees, contractors and volunteers are trained in child safety, and that they practice appropriate behaviour.

The Colac Otway Shire is responsible for ensuring that appropriate behaviour with children is clearly defined and expectations are accessible and understood by all employees, contractors and volunteers.

### **Employee and volunteer code of conduct**

The Colac Otway Shire has clear and well established behavioural expectations of all employees, contractors and volunteers engaging in child related work including appropriate behavioural expectations for working with all children including Aboriginal, culturally and/or linguistically diverse children, and children with a disability.

All employees employed in accordance with the Colac Otway Shire Council Enterprise Agreement and volunteers engaged in a Colac Otway Shire program, advisory, consultative or reference group/committee are made aware of and must abide by Council's relevant Code of Conduct agreements.

### **Human resources and recruitment**

The Colac Otway Shire employs a range of best practice screening measures and applies these standards in the screening and recruitment of employees, contractors and volunteers.

Council complies with all relevant regulatory and legal requirements when recruiting staff to ensure its employees and customers are not placed under unreasonable risk.

### **Training and supervision**

The Colac Otway Shire will appropriately inform, and / or provide training for Councillors, employees, contractors and volunteers on child safety including the cultural safety of Aboriginal children, children from culturally and/or linguistically diverse background and children with disabilities.

All employees, contractors and volunteers are inducted and provided with ongoing supervision and support to increase their capacity to establish and maintain a child safe environment.

### **Privacy**

Council is committed to protecting an individual's right to privacy. In accordance with Council's Privacy Policy personal information considered or recorded during the process of a report or investigation will respect the privacy of all individuals involved.



### **Administrative Updates**

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

### **Review**

The next review of this document is scheduled for completion by 30 June 2019.

### **Breaches**

Breaches of this policy may lead to action in accordance with Council's Disciplinary Policy

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### RELATED DOCUMENTS

Pre-employment Screening Policy

Recruitment and Selection Policy

Discipline Policy

Employee Code of Conduct

Working With Children Check Policy

Grievance Procedure

Unacceptable Workplace Behaviour Policy

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### TRANSLATION SERVICES

If you need assistance having this policy verbally translated into a language other than English, you can access the Translating and Interpreting Service (TIS) on 13 14 50. The TIS also offers a free paper-based translating service to people who meet specific criteria. For more information visit:

<https://www.tisnational.gov.au/en/Non-English-speakers/Document-translations>



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